3.

A DISCOURSE Concerning THE LAWS Eccleſiaſtical and Civil

Made againſt *HERETICKS*
BY
POPES, EMPERORS and *KINGS*,
Provincial and *General Councils*,
Approved by
The CHURCH of *ROME*:

SHEWING,

I. What *Proteſtant Subjects* may expect to ſuffer under a *Popiſh Prince* acting according to thoſe Laws.

II. That no *Oath* or *Promiſe* of ſuch a *Prince* can give them any juſt Security that he will not execute theſe Laws upon them.

With a *PREFACE* againſt
Perſecuting and Deſtroying *Hereticks*.

By a *Cordial Friend* to the *Proteſtant Religion* now by Law eſtabliſhed in theſe Realms.

Tantum Religio potuit ſuadere malorum, Lucret.

LONDON,
Printed for *Thomas Baſſet*, at the *George* in *Fleetſtreet*, 1682.

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THE

THE PREFACE.

MY Design in publiſhing this little Treatiſe, and the Uſe which I deſire all good *Chriſtians* to make of it, is,

Firſt, To confirm them in the *Proteſtant Religion*, by ſuch a ſenſible Demonſtration of the *Falſhood* of the *Religion* of the *Church* of *Rome*, as men of all Capacities may apprehend. For if this barbarous Deportment towards *Hereticks* be evidently repugnant to the true Spirit of *Chriſtianity*, if it be contrary to the Example of our *Saviour*, which we ſtand bound to imitate; if it be wholly oppoſite both to the Principles and Practice of the *primitive* and *pureſt Ages* of the *Church*; I hope this will ſufficiently convince *Wiſe men*, that the Religion which commands theſe Cruelties and Inhumanities cannot derive it ſelf from him who is the *God* of Love, and Patience, and Mercy, and Pitty to the Sons of Men.

§. I. Now that to burn, deſtroy, extirminate all thoſe who differ from us in Religion, and upon that account are called *Hereticks*, (though they be men of peaceable and quiet Lives) and proſecute them

according to the Laws here mentioned purely on the account of Conſcience, that this, I ſay, is evidently repugnant to the true Spirit of *Chriſtianity*, we learn from *Chriſt*'s own words to his *Diſciples*, who, when a Village of *Samaria* refuſed to receive him, becauſe he appeared to them to be *going to Jeruſalem*, ask this Queſtion, *Lord wilt thou that we command fire from Heaven to come down, and to conſume them, as Elias did?* For our dear *Lord* no ſooner heard this *Queſtion* but he rebuked his *Diſciples*, ſaying, *Ye know not what manner of Spirit ye are of, for the Son of man is not come to deſtroy mens lives, but to ſave them.* Where obſerve,

Luke 9. 54.

Ver. 55, 56.

1. That whereas they who are thus perſecuted by the *Church* of *Rome*, are falſly ſuppoſed to be *Schiſmaticks* and *Hereticks*, the *Samaritans* undoubtedly were both. For, Firſt, In oppoſition to the *Temple* of *Jeruſalem*, which *God* himſelf appointed for the Place where he would be worſhipped, commanding all men to repair to it, they erected a *Temple* upon Mount *Gerizim*, and there they worſhipped, deſerting the *Temple* of *Jeruſalem*, this was their *Schiſm.* Secondly, They alſo were *Hereticks* and *Idolaters*, for they err'd in matters which concerned Salvation, *they feared the Lord, and ſerved their own gods*, 2 *Kings* 17. 33. And this our *Saviour* teſtifieth in theſe words, *Ye worſhip ye know not what, we know what we worſhip, for Salvation is of the Jews.*

John 4. 22.

2. Obſerve, That whereas *Romaniſts* do exerciſe this Cruelty on them whom they call *Schiſmaticks* and *Hereticks*, chiefly for their refuſing to receive and own him as *Chriſt*'s *Vicar* who manifeſtly doth uſurp that Title, theſe *Samaritans* refuſed to receive our *Saviour* himſelf in his own Perſon, and that becauſe he

he ſeemed to *be going to Jeruſalem* to worſhip, ſo that the Honor of *God*, and of *Religion*, and of *Jeruſalem*, the Place of his peculiar Worſhip, were all concerned in this caſe.

3. Obſerve, That the Permiſſion of what was here deſired by Saint *John* and *Peter*, would have been more effectual for the Conviction of the Heretical, Schiſmatical *Samaritans*, than any of the Puniſhments inflicted by the *Inquiſition*, or any Arts of *Papal Tyranny* can be for the Conviction of thoſe whom they call *Hereticks* and *Schiſmaticks*; for theſe *Diſciples* did not deſire that they themſelves might execute on the *Samaritans* this Sentence, by committing them to the Flames, or by imploring the *Magiſtrates* aſſiſtence to conſume or burn them, they onely did requeſt that they might call upon the *God* of Heaven to *rain down fire upon them*, and conſume them; which had it pleaſed him to doe on this occaſion, the reſt of the *Samaritans*, by what this Village ſuffered, muſt have been evidently convinced by Demonſtration from Heaven, of *God*'s diſpleaſure againſt their way of Worſhip, and of the Truth of that *Meſſiah* and his Doctrine, who procured this Vengeance to be executed upon them; whereas the *Perſecutions* of the *Church*, becauſe they miniſter no Conviction to the Conſcience, ſerve onely to harden Mens Hearts and imbitter their Spirits againſt thoſe who uſe them, and to induce them more firmly to believe *That ſuch a barbarous Religion cannot be of God.*

From theſe three Obſervations it is evident that whatſoever may be pleaded by the *Church* of *Rome* to juſtifie her Practice in burning, maſſacring, extirpating of *Hereticks* and *Schiſmaticks*, might with advantage have been pleaded here: "Doth ſhe practiſe

Dr. Tillotſon's *Sermon*, Nov. 5. 1678. *p.* 15.

"her Severities out of a *Zeal* for Truth, and for the "Honor of *God* and *Chriſt*, and of the true Religi- "on, and for the reclaiming *Hereticks* and *Schiſma-* "*ticks*, and the preventing or terrifying others from "adhering to them or being deluded by them; upon all theſe accounts you ſee that the *Diſciples* had far greater cauſe to call for *fire from heaven* upon this Village of *Samaria*. And yet our *Saviour*, under theſe Circumſtances, thinks fit to rebuke even the *deſires* of doing this to one ſmall Village; How then will he rebuke the actual performance of it to many hundred thouſand Souls, after his ſolemn Declaration of the Repugnancie of theſe Proceedings to the Deſign of his moſt bleſſed *Advent*, and to the Spirit of his *Goſpel*? For the true Reaſons why *Chriſt* rebuked his *Diſciples* for their Deſire of dealing thus ſevetely with theſe Schiſmatical and Heretical *Samaritans* were theſe:

1. Becauſe this Spirit of Severity towards erroni- ous perſons, in whomſoever it is found, is highly oppoſite to the calm Temper of *Chriſtianity*, as is inſinuated in that Reply of *Chriſt* to his *Diſciples*, *Ye know not what ſpirit ye are of*, that is, Ye do not well conſider under what Way of Diſpenſation ye are placed by me. The Way I come to teach men, the Temper, Diſpoſition and Affection I would fix within them, is not a furious, perſecuting and deſtructive Spirit, but mild, and gentle, and tender of the Lives and Intereſts of Men, even of thoſe who are our greateſt Enemies. Under the *Old Teſtament*, indeed, they who rejected and ſcoffed at a *Prophet*, ſuffered ſeverely for it, the *Prophet* had Commiſſion to *call for fire from heaven to devour them* preſently, *curſe them in the name of the Lord*, 2 *Kings* 2. 24. But they

Ibid. p. 7.

Vide Dr. Hammond *in locum.*

they who reject and crucifie *Chriſt* are by him pray'd for, and are, by his Command, to be ſtill preached to, and, if poſſible, brought to Repentance, and according to this Example, ſo are all *Chriſtians* to conform themſelves, acting towards Contemners of their *Perſons*, or Rejectors of their *Doctrine*, not according to the *legal*, but the *evangelical* Diſpenſation; not according to the Severity of *Elias*, but *the Meekneſs and Gentleneſs of Chriſt*. And therefore your Deſire of proceeding according to the extraordinary Spirit of *Elias*, under the *goſpel* Diſpenſation, is intolerable; for that deſigns univerſal Love, Peace and Good-will even to Enemies, it doth engage us *to ſhew all meekneſs to all men*, and ſo no Difference of Religion, no Pretence of Zeal for *God*, can juſtifie this fierce, vindictive and exterminating Spirit. Tit. 3. 1.

Our *Saviour*'s ſecond Reaſon againſt this Proceeding is, That it was repugnant to the End for which he came into the World, which was, *not to deſtroy mens lives, but to ſave them*: "He came to diſcoun- Dr. Tillot. *ibid.* p. 8.
"tenance all Fierceneſs, and Rage, and Cruelty in "men one towards another, to reſtrain and ſubdue "that furious and unpeaceable Spirit which is ſo "troubleſome to the World, and the cauſe of ſo ma- "ny Miſchiefs and Diſorders in it, to beget a peace- "able Diſpoſition in men of the moſt diſtant Tem- "pers, making the *Lamb and Wolf lie down together*, Eſa. 11. 6, 9. and no more *to deſtroy and hurt each other*, but *turn* Eſ. 2. 4. *their ſwords into plowſhares, and their ſpears into pru-* Mich. 4. 3. *ning-hooks*; engaging them to *lay aſide all bitterneſs* Eph. 4. 31. *and wrath, anger and clamor, and evil-ſpeaking, with all malice*. "He came to introduce that excellent "Religion which conſults not onely the eternal Sal- "vation of mens Souls, but their temporal Peace and

" Security, their Comfort and Happineſs in this " World: Whoſe Fruits are *righteouſneſs and peace*, Rom. 14. 18. *love, peace, longſuffering, gentleneſs, goodneſs and meekneſs*, Gal. 5. 22, 23. whoſe *wiſedom is pure and peaceable, gentle, and eaſie to be intreated, full of mercy and good works*, Jam. 3. 17. and which commands the wiſe and knowing man to *ſhew forth out of a good converſation his works with meekneſs of wiſedom*, ver. 13. condemning all his *bitter zeal as earthly, ſenſual and deviliſh*, ver. 14, 15. which ſuffers not the Servant of the *Lord* to be engaged *in fooliſh queſtions which beget ſtrife*, becauſe that the *Diſciple* of this mild and gentle Saviour *muſt not fight, but muſt be gentle towards all men, patient, in meekneſs inſtructing thoſe that oppoſe themſelves againſt the truth*, though *their doctrine ſpread as a gangreen, and overthrow the faith of ſome*, 2 *Tim.* 2. 24, 25,— 17, 18. not diſpatching them out of the way, as is the manner of the *Romaniſt*, but with Longſuffering expecting *if God peradventure will give them repentance to the acknowledgment of the truth:* Which teacheth us to *bear the infirmities* of perſons *weak* in Faith, *Rom.* c. 15. v. 1. to *reſtore them in the ſpirit of meekneſs*, Gal. 6. 1. to become *as weak to the weak, that we may gain the weak*, 1 *Cor.* 9. 22. to *bear with the weak, and be longſuffering to all men*, 1 *Theſſ.* 5. 14. *to ſpeak evil of no man, to be no fighters, but meek, ſhewing all gentleneſs towards all men*, and that upon this ſole account, that *we our ſelves were ſometimes fooliſh and deceived*, Tit. 3. 2, 3.

Now both theſe Reaſons are ſuch as equally concern all Perſons, *Magiſtrates* as well as *Miniſters*, men who thus perſecute out of miſ-guided Zeal towards *God*, as well as they who doe it out of Envy, Hatred,

Hatred, and ſuch carnal *Principles*. And they ſeem plainly to infer, that no man ſhould be perſecuted, as in the *Church* of *Rome* men are, purely for his miſtake concerning, or his denial of any *Article* of Faith revealed by the *Goſpel*, but onely for ſeditious and treaſonable Doctrines, or for ſuch Crimes as, had the *Goſpel* never been revealed, might juſtly have been puniſhed by the *civil Magiſtrate*, or for ſeducing others from the Truth, when by the *Magiſtrate* they are forbidden ſo to doe, or propagating and divulging their pernicious Errors to the Diſturbance of the *civil Peace*.

§. II. 2. Againſt this barbarous Deportment towards our fellow *Chriſtians* it may be farther argued from the Example of our *Saviour* and the Deportment of his Bleſſed *Apoſtles*. For,

1. Our *Saviour's* Miracles were not deſtructive to Mankind, but beneficial to them, whereas he could, and, had he been of the ſame Judgment with the *Church* of *Rome*, he ſhould have exerciſed his Power to the Deſtruction of thoſe *falſe Prophets who deceived many*, Matt. 24. 11. and of thoſe *Scribes* and *Phariſees* who did ſo vigorouſly oppoſe the Propagation of the *Goſpel*, and who aſcribed his Power of working Miracles to *Beelzebub*, and by ſo doing became guilty of the impardonable Sin. For what can be pretended for the Exerciſe of this Severity at preſent, which might not with advantage have been then pretended? What can be ſaid for doing this by *humane Power*, which might not have been ſaid more plauſibly for doing it by *divine Power*? Will you ſay the *Scribes* and *Phariſees* did ignorantly oppoſe the *Goſpel*, and therefore by our *Lord's* Example are to be forgiven, that

Matth. 12. 24. v. 32.

1 Tim. 1. 13. that they were objects of *God*'s mercy, *because they did it ignorantly in unbelief*, as well as *Paul?* No doubt their Ignorance was as groſs as that which they can reaſonably object to us whom they call *Hereticks*, and therefore the Example of our *Saviour*'s Prayer, *Father forgive them, they know not what they doe*, and of *God*'s Mercy to Saint *Paul*, more ſtrongly plead for Mercy towards them, whom without Mercy they deſtroy. Were not thoſe *blind Guides*, who *led* their Followers *into the pit*, who made their Matth. 15. 14. *Proſelytes ten times more the children of Satan than* Matth. 23. 13, 15. *themſelves, who neither would enter into the Kingdom of God, nor ſuffer other men to enter*, as fit objects of our *Lord*'s Diſpleaſure, as was *Huſs*, and *Jerome* of *Prague*, Archbiſhop *Cranmer*, *Latimer* and *Ridley*, of the diſpleaſure of the *Church* of *Rome?* Was not the Execution of Death from Heaven upon theſe violent Oppoſers of the Truth as likely to convert the *Jew* or terrifie the Enemies of the *Goſpel*, as is the burning, maſſacring, tormenting of the *Hereticks*, to fright them from their *Hereſies?* Might not our *Lord* as well have called for his *twelve legions of Angels* to deſtroy the *Scribes* and *Phariſees*, as his pretended *Vicar* gathers his *Cruſado's* to deſtroy the *Hereticks?* And might he not more plauſibly have pleaded Zeal for *God* and for Religion in his Caſe, than doth the *Church* of *Rome* in hers? But, notwithſtanding all theſe Provocations and ſpecious Pretenſions, our *Lord*, "intending that
Dr. Tillotſon, *ibid. p.* 13. "his Religion ſhould be propagated in humane "ways, and that men ſhould be drawn to the Pro-"feſſion of it by the Bands of Love, and the Cords "of a Man, by the gentle and peaceable Methods of "Reaſon and Perſuaſion, gave no example of a fu-"rious Zeal and religious Rage againſt thoſe who de-

"ſpiſed

" ſpiſed his Doctrine. It ſeemed good to the Author
" of this Inſtitution to compell no man to it by tem-
" poral Puniſhments, when he went about making
" *Proſelytes* he offered violence to no man, onely
" ſaid, *if any man will be my diſciple, if any man will*
" *come after me.* And when his *diſciples* were leaving
" him, he does not ſet up an *Inquiſition* to torture
" and puniſh them for their Defection from the Faith,
" onely ſays, *Will ye alſo go away?* John 6. 67.

§. III. But to proceed to the Example and Deportment of thoſe *Apoſtles* by whom the *Goſpel* was firſt propagated, let us conſider,

1. That in their daies the *Hereticks* were as pernicious, the *falſe Prophets* and *Deceivers* as dangerous, and ſo as fit to be cut off, as were the *Hereticks*, who have, and do thus ſuffer in the *Church* of *Rome*. Our *Saviour* did foretell that *they would deceive many, and, if it were poſſible, even the elect.* Matt. 24. 11, 24. St. *Paul*, *That grievous Wolves ſhould enter into the Church, not ſparing the flock; That men ſhould ſpeak perverſe things, to draw away diſciples after them;* Act. 20. 29, 30. *That in the latter times ſome ſhould depart from the Faith, giving heed to ſeducing Spirits and doctrines of Demons, ſpeaking lyes in Hypocriſie,* &c. 1 Tim. 4. 1. St. *Peter*, *That there ſhould be falſe Prophets among them who ſhould bring in damnable Hereſies, even denying the Lord that bought them, by reaſon of whom the way of truth ſhould be evil ſpoken of:* 2 Pet. 2. 1, 2. They declared concerning theſe *Deceivers*, *That by good words and fair ſpeeches they deceived the hearts of the ſimple;* Rom. 16. 18. That they *bewitched them, that they ſhould not obey the truth;* Gal. 3. 1. That they made them *fall from grace*, and rendred *Chriſt unprofitable* to them; That *their Doctrine did ſpread as a Gangreen,* 5. 2, 4. 2 Tim. 2. 17, 18.

Tit. 1. 11. *and overthrow the Faith of ſome*; That *they ſubverted whole houſes, teaching things which they ought not*, Rev. 2. 20. particularly, that *Jezabel, calling her ſelf a Propheteſs, did pervert Chriſt's ſervants, and teach them to commit whoredom, and eat things offered to Idols*; That by means of theſe *falſe Teachers*, and Corrupters of the Truth, *ſome had already ſwerved from the Faith*, 1 Tim. 1. 19. *turning aſide to vain janglings, ſome had made ſhipwreck of the Faith*, and that they were in doubt of 2 Cor. 11. 2, 3. others; *that they were jealous over them with a godly jealouſie*, and *feared leſt as the Serpent beguiled Eve through his ſubtilty, ſo their minds ſhould be corrupted from the ſimplicity that is in Chriſt*. So that you ſee, they had great reaſon to doe themſelves, and to adviſe the *Rulers* of the *Church*, *civil* and *ſacred*, in future Generations, to doe all that was proper and fitting to be done by *Chriſtians* for the rooting up of theſe *tares*, and the delivering the Flock of *Chriſt* from their pernicious Deluſions.

2. Conſider that the *Diſciples* of our *Lord* could have confounded all theſe *Hereticks*, *falſe Prophets* and *Deceivers*, and by a word have ſentenced them to death, as *Peter* in the caſe of *Ananias* and *Saphira* did, had they conceived this method of proceeding ſutable to the Mind of *God*, the Rules of their Profeſſion, and tending to the Edification of the *Church*. For they were furniſhed with a Power of working 2 Cor. 10. 4, 5, 6. Miracles, the *weapons of their warfare were not carnal, but mighty through God, to the pulling down of ſtrong holds, and caſting down every thing that exalted it ſelf againſt the knowledg of Chriſt*, and *to revenge all diſobedience againſt him*: they had a Power given them 2 Cor. 13. 10. by *Chriſt*, χεῆσθαι ἀποτόμως, *to uſe ſeverity*, provided that it were *for edification, and not for deſtruction*,

ἐξαιρεῖν

ἐξαιρεῖν τὸν πονηρὸν, to take away, or, *to cut off the wicked perſon* from among them by the Spiritual Sword; The Kingdom of *God* preached by them *was not in word onely, but in power*, they had *a Rod* for the Chaſtiſement of thoſe refractory perſons on whom the Spirit of Meekneſs could not prevail, and they could *give men up to Satan for the deſtruction of the fleſh*; but yet we never find that they did uſe their Power to inflict Death upon the *Heretick* or the *Deceiver*, or that the Power of the *Lord*, which did attend upon their Cenſures, ever did thus operate. But on the contrary, the *Fathers* note that the *Apoſtle* ſetteth bounds to the chaſtiſement of the Devil, permitting him to afflict the body of the wicked perſon, or the Heretick, with a diſeaſe, or boil, but not to take away his life, as in the caſe of Job.

1 Cor. 5. 13. 1 Cor. 4. 21. Chap. 5. 5.

Ὅσον πέφυκε τῷ Σατανᾷ, μόνον σώματος ἅπτεσθαι, καὶ οὐ ψυχῆς· ὅμοιον ἐν τῷ Ἰὼβ φησὶν ὁ Θεὸς, πλὴν τῆς ψυχῆς αὐτοῦ μὴ ἅψῃ· καλῶς δὲ εἰς ὅλεθρον τὴν σαρκὸς, οἷον ἵνα νόσου αὐτὸν πέξῃ. *Oecum.* in 1 Cor. 5. 5. p. 408. *Gr. Theodoret.* in locum. Ἵνα μαστίξῃ αὐτὸν ἕλκει πονηρῷ, ἢ νόσῳ ἑτέρᾳ. *Chryſoſt* in locum.

3. Conſider, that theſe *Apoſtles*, knowing by the Spirit, that the *Chriſtian Faith* would certainly prevail, and after a few *Centuries* would have the Favor and the Protection of the *Civil Magiſtrate*, could, had they thought it meet, have left, in thoſe moſt Sacred Books which they compoſed to be *a Rule of Faith and Manners* to all future Ages, ſome Directions to the *Civil Magiſtrate* for dealing with the *Heretick* agreeable to the *Decrees* of *Roman Councils*; for it is not to be ſuppoſed that they either wanted Zeal for that Religion which *they* promoted with the loſs of Life, and all things in this World deſireable, to prompt them ſo to doe, or that they wanted Wiſedom to know what was the beſt and trueſt method of promoting or of preſerving that

Religion which they had preach'd throughout the World.

4. Conſider that the *Apoſtles* ſhewed their Care and Zeal for preſervation of the *Church* from the pernicious Doctrines and Deluſions of theſe falſe Teachers, by all other ways which they judged proper for this End. For,

1. We find in their Epiſtles frequent Exhortations
a 1 Cor. 16.13. to the *Chriſtian* to (a) *ſtand faſt in the Faith*, to
b Hebr. 10. 23. (b) *hold faſt the Profeſſion of the Faith without wa-*
c 2 Tim. 1. 13. *vering*, to (c) *hold faſt the form of ſound words*, to
d Tit. 1. 9. (d) *hold faſt the faithfull word as they had been*
e 1 Pet. 5. 9. *taught*, againſt all Oppoſers, to (e) *be ſtedfaſt in the*
f Jud. 3, 20, 4. *Faith*, to (f) *contend earneſtly for the Faith*, and *to build up our ſelves in our moſt holy Faith*, and that *becauſe of certain men crept in among them who turned*
g Act. 14. 22. *the grace of God into laſciviouſneſs*; to (g) *continue*
h John 8. 3. *in the Faith*, and *in* (h) *the Word of Chriſt*, and
i 2 Tim. 3. 14. (i) *in the things which they had learnt.*

2. They gave all *Chriſtians* notice of theſe *Falſe Teachers* and *Deceivers* that they might avoid them, and beware of their *Deluſions*. *Beware of falſe Prophets* ſaith our *Saviour*, *by their works you ſhall know them*, Matth. 7. 15. *See to it*, ſaith he, *I have told you of them*, Mark 13. 23. *Mark them*, *and avoid them*, ſaith Saint *Paul*, *who cauſe diviſions and offences, contrary to the doctrine which you have received*, Rom. c. 16. v. 17. *Beware of dogs*, *beware of evil workers*, *beware of the conciſion*, ſaith the ſame *Apoſtle*, Phil. 3. 1. *turn away from them*, 2 *Tim.* 3. 5. *beware leſt*, *being led away by the error of the wicked*, *you fall from your own ſtedfaſtneſs*, ſaith *Peter*, 2 *Pet.* 3. 17.

3. They frequently exhort the *Rulers* of the *Church* to *take heed to their Flocks*, *and to be watchfull to preſerve*

ſerve them from theſe Wolves, Act. 20. 28, 31. *to ſtop their mouths, and to rebuke them ſharply*, Tit. 1. 11, 13. *to reject, and to turn from them*, 2 Tim. 3. 5. Tit. 3. v. 10. And our *Lord*, *Chriſt* himſelf, rebukes the *Church* of *Thyatira, for ſuffering Jezabel to ſeduce his Servants.*

4. They ſometimes did deliver up to *Satan* thoſe *who made ſhipwreck of the Faith*, and *who had overthrown the Faith of ſome*, as in the caſe of *Hymeneus* and *Alexander*, 1 *Tim.* 1. 19, 20. they declare that *they were ready to revenge the diſobedience of the* Seducers of the *Church* of *Corinth*, 2 *Cor.* 10. 6. they *wiſhed them cut off who troubled* the *Church*, as in the caſe of the *Galathians*, Gal. 5. 12. And that *God would reward them according to their works*, as in the caſe of *Alexander*, 2 *Tim.* 4. 14. And yet, though in another Inſtance, and for another Crime, they once inflicted Death upon two Members of the *Church*, yet did they never doe it in the caſe of *Hereſie*, but on the contrary, they declared their Power was given *not for Deſtruction, but Edification.* 2 Cor. 13. 10.

5. Conſider that their miraculous proceedings againſt *Hereticks*, had they thought fit to act after the manner of the *Church* of *Rome*, muſt have been more convincing to the remaining *Hereticks*, and more effectual to preſerve others from the infection of their *Hereſie*, and for all other pious ends, than humane Puniſhments can be ſuppoſed to be, they being Demonſtrations from Heaven of the Falſhood of the Doctrine of the *Heretick*, and the Diſpleaſure of the *Lord* againſt it, they being done, τῇ δυνάμει τȣ̃ Κυρίȣ, *by the power of the Lord*, confirming the Sentence of theſe *Church Governors*, muſt be a Confirmation of the Juſtice of that Sentence. Whereas the Proceedings

dings of the *Church* of *Rome* can have no ſuch effects, but rather tend to harden *perſons* in their ſuppoſed *Hereſie*, and ſhew that they of *Rome* diſtruſt the merits of that Cauſe which cannot be maintained by any other Arguments but Fire and Faggot, Swords and Inquiſitions. That therefore the *Apoſtles* declined this method of proceeding, that they gave no Inſtructions to future *Ages* to deal with *Hereticks* in ſuch a bloudy manner, is a convincing Demonſtration, that they conceived ſuch Actions were repugnant to *Chriſtianity*, and to that Doctrine which they preach'd. And truly, "if *Chriſtianity* can be contradicted, it is moſt palpably and groſly done by thoſe "men, who, inſtead of *ſhewing all meekneſs towards* "*all men*, though *fooliſh and deceived*, do by inhumane Cruelties and Perſecutions, by barbarous Inquiſitions, bloudy Maſſacres, endeavor to extirpate all that differ from them; who, inſtead of *inſtructing in meekneſs thoſe that oppoſe themſelves*, *if* "*God peradventure will give them repentance to the ac*"*knowledgment of the truth*, convert them with Fire "and Faggot, and render it impoſſible for them to "repent; who, inſtead of *chaſtiſing the Fleſh*, *that* "*the Soul may be ſaved in the day of the Lord Je*"*ſus*, and laboring *to recover them out of the ſnare of* "*Satan*, give them up quick into his hands, their *Biſhops* being not aſhamed to ſay at the Condemnation of an *Heretick*, *Jam committimus Animam tuam Diabolo*, We commit thy Soul to the Devil.

Dr. Tillotſon, *p.* 11.

§. IV. Beſides theſe, other Reaſons have been uſed by our *Divines* againſt this kind of *Perſecution*, and putting *Hereticks* to death, which, though they ſeem not to me ſo convincing as the former Arguments, yet

yet were they uſed by the *Ancient Fathers* to that very purpoſe for which they were produced by our *Writers*, and ſo deſerve to be inſiſted on, at leaſt to ſhew the full agreement of the *Ancient Fathers* with us in this Point. And,

1. They plead our *Lord*'s Command, who ſaith to his Servants, *Gather not the Tares by themſelves, but let them both grow together till the harveſt*; "Where "the Enquiry will be, Firſt, What is meant by "*Tares*, or, *The children of the Wicked one*; Whether "Perſons wicked onely *in Re practica*, or vitious in "their Lives, or men criminal or faulty *in Re intel-* "*lectuali*, perverſe in Judgment, and *reprobate con-* "*cerning the Faith*, for one or other of theſe two "muſt be meant, but the former cannot be meant, "becauſe it would deſtroy all Bodies politick, which "cannot conſiſt without Laws, nor Laws without "Compulſion and the Power of the Sword; ſo that "if Criminals were to be let alone till the day of "Judgment, Bodies politick muſt ſtand or fall at the "pleaſure of Wicked men, and nothing Good could "be protected, not Innocence it ſelf; nothing could "be ſecure but Violence and Tyranny; it follows "then that the Perſons whom *Chriſtians* are forbid- "den here *to root out of the field*, muſt be men faulty "in another kind, in which the *Goſpel* had not in "other places clearly eſtabliſhed a compulſory Pow- "er of this Nature: ſince therefore in actions prac- "tically criminal, a Power of the Sword is permit- "ted here, where it is denyed, the Crime muſt be "not in things practically criminal, but intellectual, "that is, in Matters properly *heretical*. And this In- "terpretation is confirmed by the Reaſon of the "Prohibition, which is this, *leſt we alſo pull up the* Matt. 13. 29, 30. Dr. Taylor's *Liberty of Propheſie*, Chap. 13.

Wheat

Wheat with them, that is, " leſt we by our miſtake de-
" ſtroy thoſe Perſons, who, notwithſtanding their Ig-
" norance or Error in ſome unneceſſary Points of
" Faith, may be good men; we being not ſo able to
" diſcern whether they erre through obſtinacy or per-
" verſneſs, or onely through ignorance or weakneſs,
" as we are to diſcern the outward actions of the vi-
" tious Perſon, which deſerve to be puniſhed. Se-
" condly, For Explication of this Precept, it will be
" neceſſary to enquire, what it is *to gather up theſe*
" *Tares*; now *Chriſt* himſelf informs us, that it is the
ſame to gather up, and to root the Tares out of the
field, in which the Enemy had ſown them, that
field is, ſaith our *Saviour*, *the world*, and therefore
to root theſe Tares out of this field, is to deſtroy
them out of the World. " The Prohibition therefore
" lies againſt the uſe of the *temporal Sword* in cutting
" off theſe Perſons. Accordingly Saint *Chryſoſtom* concludes, that *Hereticks are not to be cut off*. *Theophylact* upon the place declares, that *God permits not Hereticks to be conſumed by Wars, leſt the juſt ſhould periſh with them.* The Obſervation of St. *Auſtin* on the place is this, that " our *Lord*, ſpeaking to his
" Servants, ſaith not, in the
" time of the harveſt I will ſay
" to you; but I will ſay to the
" Reapers, whence, ſaith he,
" we may learn that the work
" of *gathering the Tares* to burn,
" belongs to other Miniſters,
and

Οὐ χὴ δὴ ἀναιρεῖν αἱρετικὸν, &c. To. 2. pag. 297.

Ὁ Θεὸς ὁ συγχωρεῖ τοὺς αἱρετικοὺς διὰ πολέμων ἀναλίσκεσθαι, ἵνα μὴ συμπίπτωσι, καὶ συναναλίσκωνται καὶ οἱ δίκαιοι. *Theophyl.* in locum.

Dicam, inquit, Meſſoribus, unde intelligitur colligendorum zizaniorum ad comburendum alia eſſe miniſteria, nec quenquam Eccleſiæ filium, N. B. debere arbitrari ad ſe hoc officium pertinere. ——poteſt ei ſuboriri voluntas, ut tales homines de rebus humanis auferat, ſi aliquam temporis habeat facultatem, ſed utrum facere debeat, juſticiam Dei conſulit, utrum hoc ei præcipiat vel permittat, & hoc officium eſſe hominum velit, hinc eſt quod Servi dicunt, Vis imus & colligimus ea? quibus Veritas ipſa re-

" and that no Son of the *Church* " ought to conceive that Office " doth belong to him. When " the Servant ſees ſo many Fal- " ſities of *Hereſies*, he may have " a deſire, ſaith he, that ſuch " men ſhould be taken out of " the World, but then he con- " ſults the Juſtice of *God*, whe- " ther he commands, or per- " mits, or would have this to " be the Duty of men. Hence the Servants ſay, Wilt " thou that we gather up the *Tares*? To whom he, " who is Truth it ſelf anſwers, That ſuch men are " not to be taken out of the World, leſt whileſt men " endeavor to kill the bad, they alſo kill the good, " or ſuch as perhaps would be ſuch. But this will " commodiouſly be done when, at the end of the " World, there remains no more time for Change of " Life: And perhaps, ſaith he, therefore the *Wheat* " is rooted up with them when the *Tares* are taken " away, becauſe many are firſt *Tares*, and afterwards " *Wheat*, who, unleſs they are patiently born with " when they are bad, come not to a laudable change; " and therefore, if they be plucked up, the *Wheat* " will be plucked up with them, becauſe they " would have been ſuch had they been ſpared. *Eu-* " *thymius*, on the place ſaith, " that by the Harveſt " our Lord underſtands the end of the World, and " therefore commands his Servants that they ſhould " ſuffer the *Hereticks* to live with them, *non ablatos* " *quidem, ſed ſeparatos*, though ſeparated from them, " it being likely that before that time many of them " may be converted.

ſpondet——non eſſe tales auferendos de hac vita nè cum malos conatur interficere, bonos interficiat, quod fortè futuri ſunt, ——ſed tunc opportunè fieri cum jam in fine non reſtat vel tempus commutandæ vitæ, vel perficiendi ad veritatem, &c. an fortè ideo ſimul eradicatur triticum cum auferuntur zizania, quia multi primo zizania ſunt, & poſtea triticum fiunt, qui niſi patientèr, cum mali ſunt, tolerentur ad laudabilem permutationem non perveniant, itaque ſi evulſi fuerint, ſimul eradicabitur & triticum, quod futuri eſſent, ſi eis parceretur. Auguſt. Quæſt. ex *Matth.* lib. un. cap. 12. To. 4. p. 366, 367.

2. It is urged by our Divines that " when our *Saviour* went about to make Proſelytes, he offerd violence to no man, onely he ſaid, if any man will be my Diſciple, if any man will come to me; and that when his Diſciples were leaving him he did not ſet up an *Inquiſition* to torture them for their defection from the Faith, onely ſaid, *Will ye alſo go away?* And the ſame Argument is twice produced by Saint *Athanaſius* againſt the perſecuting *Arians*, *The Devil*, ſaith he, *becauſe he hath no truth in him, invades the dores of them who receive him with an ax and hatchet, our Saviour on the contrary is mild, and ſaith, If any man will follow me, and be my Diſciple; and when he comes to any one, he doth not offer violence, but onely knocks, and ſaith, Open, my Siſter, my Spouſe. And if they open, he enters, if not, he departs, for Truth is not to be preached with the Sword and military preparation, but by counſel and perſuaſion.* And again, *Our Lord himſelf not offering violence, but giving place to humane choice, ſaid to all, If any man will come after me; and to his Diſciples, Will ye alſo go away? This Hereſie therefore, which is perfectly repugnant to Piety, What ſhould it doe, but that which is contrary to our Saviour?*

Οὕτως ὁ μὲν Διάβολος, ἐπεὶ μηδὲν ἀληθὲς ἔχει, ἐν πελέκει καὶ λαξευτηρίῳ ἐπιβαίνων κατεάσει τὰς θύρας τῶν δεχομένων αὐτόν· ὁ δὲ Σωτὴρ οὕτως ἐστὶ πρᾶος ὡς διδάσκειν μὲν εἴ τις θέλει ὀπίσω μου ἐλθεῖν, καὶ ὁ θέλων εἶναί μου μαθητὴς, ἐρχόμενον δὲ πρὸς ἕκαστον μὴ βιάζεσθαι, ἀλλὰ μᾶλλον κρούειν τε καὶ λέγειν, ἀνοιξόν μοι ἀδελφή μου, νύμφη, καὶ ἀνοιγόντων μὲν εἰσέρχεται, ὀκνούντων δὲ καὶ μὴ θελόντων ἐκείνων, ἀναχωρεῖ, οὐ γὰρ ξίφεσιν ἢ βέλεσιν οὐδὲ διὰ στρατιωτῶν ἡ ἀλήθεια καταγγέλλεται, ἀλλὰ πειθοῖ, καὶ συμβουλίᾳ. *Athan.* Epiſt. ad ſolit. vitam agentes, p. 830, 831. And p. 855. Θεοσεβείας μὲν ἴδιον μὴ ἀναγκάζειν, ἀλλὰ πείθειν, καὶ γὰρ ὁ Κύριος αὐτὸς οὐ βιαζόμενος, ἀλλὰ τῇ προαιρέσει διδοὺς, ἔλεγε πᾶσι μὲν, εἴ τις θέλει ὀπίσω μου ἐλθεῖν, τοῖς δὲ μαθηταῖς, μὴ καὶ ὑμεῖς θέλετε ἀπελθεῖν;

§. V. The Reaſons againſt this Deportment towards *Hereticks* are alſo very cogent, but they are ſo

ſo incomparably managed by Dr. *Taylor*, in his immortal Book ſtyled *The Liberty of Propheſying*, that 'tis not eaſie to add any thing of moment to them. I therefore onely ſhall take notice of one paſſage in him, *viz.* " That it is one of the Glorys of *Chriſtia-* §. 13. *Numb.* 12.
" *nity*, that it came in upon the World with no other
" Force but that of Reaſon and Demonſtration of
" the Spirit; that towards the Perſons of men 'twas
" alwaies full of Meekneſs, Charity, Compliance,
" Toleration, Condeſcenſion and Forbearance, *re-*
" *ſtoring* perſons overtaken with an Error *in the Spi-*
" *rit of Meekneſs*: Now things are beſt preſerved by
" that which gives them their firſt Being, and which
" agrees beſt with their Temper and Conſtitution,
" and it would be a mighty Diſparagement to ſo glo-
" rious an Inſtitution, that in its Principle it ſhould
" be mercifull and humane, and in the Propagation
" of it ſo inhumane, and it would be improbable
" and unreaſonable, that the Sword ſhould be uſed
" in the perſuaſion of one Propoſition, and yet in the
" perſuaſion of the whole nothing like it: To doe ſo
" may ſerve the end of a *temporal Prince*, but never
" promote the Honour of *Chriſt*'s *Kingdom.*

§. VI. Moreover, This bloudy, perſecuting Temper, as it is contrary to *Scripture*, ſo alſo doth it flatly contradict the *Principles* and *Practice* of the *Ancient Church*, and of the *Primitive Profeſſors* of the *Chriſtian Faith*; it is repugnant to many *Principles* which then obtained amongſt *Chriſtians*. For inſtance;

1. It was a Principle which generally obtained among *Chriſtians* till the days of *Conſtantine*, and afterwards continued to be maintained by many *Fa-*

thers of the *Church*, viz. "That men were to be left "to their Freedom in Matters of Religion, and not "to be compell'd by outward Puniſhments to the "Profeſſion of it. (*a*) This, "ſaith *Tertullian*, is the natural "Right of all men, to worſhip "what they think fit. It is no "buſineſs of Religion to com-"pell men to Religion; for "that, ſaith he, muſt be embra-"ced willingly, and not of "Force. Conſider, ſaith the ſame *Tertullian*, whe-"ther this do not add to your Irreligion, to forbid "the Freedom of Religion, and interdict the choice "of a Deity, that I may not worſhip whom I will, "but muſt be compell'd to worſhip whom I would "not.

(a) *Humani juris, & naturalis poteſtatis eſt, unicuique quod putaverit colere, —— ſed nec Religionis eſt cogere Religionem, quæ ſponte ſuſcipi debeat, non vi. Tertull.* ad *Scap.* cap. 2. *Videte, nè hoc ad irreligioſitatis elogium concurrat, adimere libertatem Religionis, & interdicere optionem Divinitatis, ut non liceat mihi colere quem velim, ſed cogar colere quem nolim.* Apol. cap. 24.

(*b*) "Who may impoſe up-"on me, ſaith *Lactantius*, a ne-"ceſſity either of worſhipping "what I would not, or of not "worſhipping what I would? "What have we farther left, "if another Luſt may extort "from us that which ought to "be done freely? There is "here no need of Force or In-"jury, ſaith he, for Religion "cannot be compell'd, you "muſt uſe Words, not Stripes "to make men willing. Why therefore are men cru-"el? that whilſt they do endeavor to diminiſh, they "may augment their Folly? Torments and Piety "extreamly differ, nor can Religion conſiſt with "Force,

(b) *Quis imponat mihi neceſſitatem vel colendi quod nolim, vel quod velim non colendi? Quid jam nobis ulterius relinquitur, ſi etiam hoc, quod voluntate fieri oportet, libido extorqueat aliena? Lactant.* l. 4. cap. 13. & c. 19. *Non eſt opus vi & injuria; quia Religio cogi non poteſt, verbis potius quàm verberibus res agenda eſt, ut ſit voluntas—— Quid ergo ſæviunt? ut ſtultitiam ſuam dum minuere volunt, augeant? Longè diverſa ſunt carnificina & pietas, nec poteſt aut veritas cum vi, aut juſtitia cum crudelitate conjungi. Nihil eſt enim tam voluntarium quam Religio, in qua ſi animus Sacrificantis averſus eſt, jam ſublata, jam nulla eſt.*

"Force, or Juſtice be conjoin'd with Cruelty. For "nothing is ſo voluntary as Religion, in which, if "the mind of the Sacrificer be averſe, the Religion "is loſt, and is none at all.

"The Epiſtles of the *Arians*, "ſaith *Hilary*, (c) what do "they doe, but deprecate the "liberty of Faith, and beg for "Bonds, and Priſons, and Tri-"bunals, and all that is pernici-"ous; whereas God rather "taught, than exacted the "Knowledge of himſelf, and "aſcertaining the Authority of "his Commands by Works of "Power, deſpiſed all com-"pell'd confeſſion of himſelf. "If ſuch Force ſhould be uſed "to compel your Faith, (ſaith "he to the *Arians*) the Epi-"ſcopal Doctrine would op-"poſe it, and would ſay, *God* "is the *God* of the whole "World, he needs no com-"pell'd obedience, nor requires any ſuch confeſſion "of him; he is not to be deceived, but well-plea-"ſed. *God* is to be ſought with Simplicity, learnt "by Confeſſion, loved by Charity, worſhipp'd by "Fear, retained by Probity of Will; whence is it "(therefore) that Prieſts are compell'd by Bands, "and commanded by Puniſhments to fear *God*? that "they are impriſoned, *&c.* Therefore do ye labor "and rule the Commonwealth with ſalutary Coun-"cils, ſaith he to the *Emperor*, that all under your "Go-

(c) *Quid aliud his literis quàm libertatem fidei, & contagionem* Ariani *nominis deprecantur, orántque vincula, carceres, tribunalia,* &c. *Deus cognitionem ſui docuit, potiùs quàm exegit, & operationum cæleſtium admiratione præceptis ſuis concilians auctoritatem, coactam confitendi ſe aſpernatus eſt voluntatem, ſi ad fidem veram iſtiuſmodi vis adhiberetur, Epiſcopalis doctrina obviam pergeret, dicerétque, Deus univerſitatis eſt, obſequio non eget neceſſario, non requirit coactam confeſſionem, non fallendus eſt, ſed promerendus, ſimplicitate quærendus eſt, confeſſione diſcendus eſt, charitate amandus eſt, timore venerandus eſt, voluntatis probitate retinendus eſt: at verò quid iſtud quod Sacerdotes timere Deum vinculis coguntur, pœnis jubentur? Sacerdotes carceribus continentur,* &c. *Hilar.* lib. ad *Conſtantium* Auguſtum, pag. 338, 339, 340.

Idcirco laboratis & ſalutaribus conſiliis Rempublicam regitis, —ut omnes quibus imperatis dulciſſimâ libertate potiantur. Non aliâ ratione quæ turbata ſunt componi, quæ divulſa ſunt coerceri poſſunt, — permittat lenitas tua populis ut quos voluerint, quos putaverint, quos elegerint, audiant docentes. Pag. 338.

" Government may enjoy the ſweeteſt Liberty, there " is no other way to compoſe our Troubles; let " (then) thy Lenity permit the People to hear " them teaching whom they would hear, whom they " think meet, whom they chuſe.

2. They alſo thought it an indecent and unworthy thing to call in the *Secular Arm* for the aſſiſtence of *Religion*, and for the Puniſhment of Errors in *Religion*, or Affronts offered by them to the *Deity*. Saint *Hilary*, in his Book againſt *Auxentius* of *Milan*, repreſents them who did this, not as the *Biſhops* of *Chriſt*, but the *Servants* of *Antichriſt*. " And (*d*) firſt, ſaith he, we " ought to pity the Labor of " our Age, and groan at the " fond Opinions of the preſent " Times, in which men think " to defend *God* by men, and " labor to preſerve the *Church* " of *Chriſt* by *Secular Ambition*. " I beſeech you *Biſhops*, who " conceive your ſelves to be ſo, " What Suffrages did the *Apo-* " *ſtles* uſe in Preaching of the " *Goſpel?* and by what Powers " were they aſſiſted when, " Preaching *Chriſt*, they con- " verted the heathen World " from *Idols* to *God?* Did they " aſſume to themſelves any Au- " thority from the Palace, when " they ſang Hymns to *God* in " Priſon? Did *Paul* gather a *Church* to *Chriſt* by the " *King*'s Edict, who was himſelf a Spectacle in the " The-

(d) *Ac primum miſereri licet noſtræ ætatis laborem, & præſentium temporum ſtultas opiniones congemiſcere, quibus patrocinari Deo humana creduntur, & ad tuendam Chriſti Eccleſiam ambitione ſeculari laboratur. Oro vos, Epiſcopi, qui hoc vos eſſe creditis, quibuſnam ſuffragiis ad prædicandum Evangelium Apoſtoli uſi ſunt? quibus adjuti Poteſtatibus Chriſtum prædicaverunt, gentéſque ferè omnes ex Idolis ad Deum tranſtulerunt? Anne aliquam ſibi aſſumebant è Palatio dignitatem, hymnum Deo in carcere, inter catenas & flagella cantantes? Edictiſque Regis* Paulus *Chriſto Eccleſiam congregabat?* Nerone ſe, credo, *aut* Veſpaſiano, *patrocinantibus, tuebatur, quorum in nos odiis confeſſio divinæ prædicationis efflоruit? At nunc, proh dolor! divinam fidem ſuffragia terrena commendant, inopſque virtutis ſuæ Chriſtus, dum ambitio nomini ſuo conciliatur, arguitur. Terret exiliis & carceribus Eccleſia, credique ſibi cogit, quæ exiliis & carceribus credita eſt, pendet à dignatione Communicantium, quæ perſequentium eſt conſecrata terrore, fugat Sacerdotes, quæ fugatis eſt Sacerdotibus propagata, diligi ſeſe gloriatur à mundo, quæ Chriſti eſſe non potuit, niſi eam mundus odiſſet.* Idem Epiſt. ad *Auxentium*, p. 347.

" Theatre? Did he defend himſelf by the Protection " of *Nero*, or *Veſpaſian*, by whoſe Hatred againſt us " the Preaching of our Faith then flouriſhed? But " now, which is to be lamented, earthly Suffrages " commend divine Faith, and *Chriſt* is repreſented as " deſtitute of his Power, whilſt the Favor of men is " purchaſed in his Cauſe. The *Church* terrifies by Ex- " iles and Priſons; ſhe compells Belief, which was " believed in Exiles and Priſons; ſhe which was " conſecrated by the Terror of Perſecutors, depends " upon the Favor of them who communicate with " her; ſhe puts to flight Prieſts, which was propaga- " ted by Prieſts put to flight; ſhe glories that ſhe is " beloved by the World, which could not be the " *Church* of *Chriſt*, if the World did not hate her.

The Plea of *Heathens* for their Cruelty againſt the *Chriſtians* was to this effect, *That they did puniſh Chriſtians, to revenge the injuries done by their Faith and Doctrines to their Gods.* This, ſay the *Ancient Fathers*, is a ridiculous and abſurd method of proceeding, and you ought rather to leave the Sacrilegious and Impious Tranſgreſſors of their Laws to the Vengeance of your *gods*. For, (e) " if your *deities* have any " power, ſaith St. *Cyprian*, let " them riſe up, and vindicate " themſelves, and by their Ma- " jeſty defend themſelves; for what can they doe for " thoſe that worſhip them, who cannot vindicate " themſelves from thoſe who do not worſhip them? (f) " Is it ſo, ſaith *Arnobius*, " that the *gods* deſire the Pro- " tection of men? Are they not " able without your aſſerting

(e) *Si quid diis tuis numinis & poteſtatis eſt, ipſi in ultionem ſuam ſurgant, ipſi ſe ſua majeſtate defendant; aut quid præſtare colentibus poſſunt, qui ſe de non colentibus vindicare non poſſunt? Cyprian.* ad *Demetr.* §. 12.

(f) *Ergo humana patrocinia dii quærunt? & niſi veſtra fuerint aſſertione protecti, idonei non ſunt ipſi qui propulſare, defendere ſuos valeant contumelias. Arnob.* l. 1. p. 11.

" of

" of their Cauſe to defend themſelves, and to repell " the Calumnies of us *Chriſtians?* (g) " When the " *Heathens* puniſh the *Sacrilegious*, ſaith *Lactantius*, they " diſtruſt the power of their " *gods*, for if they think they " can doe any thing, why do " they not leave them to execute their own Vengeance on ſuch perſons?

(g) *Cùm puniunt deprehenſos in Sacrilegio, ipſi de deorum ſuorum poteſtate diffidunt, cur enim illis non relinquunt ulciſcendi ſui locum, ſi eos poſſe aliquid arbitrantur? Lact.* lib. 2. cap. 4.

3. Another Principle, though not ſo generally embraced, yet taught by many Eminent Aſſertors of the *Chriſtian Faith*, was fundamentally repugnant to this cruel Butchery, viz. *That their Religion did not permit them to kill*, or, *even to behold the ſhedding humane bloud.* It was objected to them by the *Heathens*, that in their Meetings they murthered little Children, and did feaſt upon their Fleſh and Bloud. This, ſay the *Fathers*, is a thing impoſſible, becauſe the *Chriſtian Faith* doth not allow of *Murther*, or *Shedding humane Bloud.* (h) "We " are ſo far from Killing men, " ſaith *Minucius*, that 'tis not " lawfull for us to behold *Man-* " *ſlaughter.* (i) *Can any man, ſaith* Athenagoras, *object to them that they kill men, who, as they know, dare not ſee a perſon juſtly ſlain?* " It is in no caſe " lawfull to deſtroy men, ſaith " (k) *Lactantius*, or to be pre- " ſent where they ſuffer, leſt " the Bloud ſtain the Conſci- " ence; there is no exception " from this Precept, for it is " alwaies

(h) *Nobis Homicidium nec videre fas, nec audire. Minuc.* p. 34.

(i) Οὐς γὰρ ἴσασιν οὐδ' ἰδεῖν, καὶν δικαίως φονεύωμεν, ἀνομοίως ἀνελοῦσι, τίνων τὶς ἂν κατείποι ἢ ἀνθρωποκτονίαν, ἢ ἀνθρωποβορίαν. *Athenag.* Legat. p. 38.

(k) *Ergo ſi Homicidium facere nullo modo licet, nec intereſſe omnino conceditur, nè Conſcientiam perfundat ullus cruor. Lact.* l. 6. c. 20. *In hoc Dei præcepto nullam prorſus exceptionem fieri oportet, quin occidere hominem ſit ſemper nefas, quem Deus ſanctum animal eſſe voluit,* Ibid. *Neque accuſare quenquam crimine capitali juſto licebit, quia nihil diſtat utrúmne ferro, an verbo potius, occiſio ipſa prohibetur.* Ibid.

"alwaies a Wickedneſs to kill that man whom *God* "hath made Sacred. A Juſt man therefore will ac- "cuſe no man of a Capital Crime, it being all one to "kill men with our Words or with our Swords: "The Servant of the Lord, "ſaith (l) *Tertullian*, may not "judge in Capital Cauſes, he "may not condemn as a Judge "or a Law-maker; he may "bind, impriſon, torture no "man. Will he, who doth not "revenge his own Injuries, inflict on others Bonds, "Priſons, Torments, Puniſhments? *If Chriſtian Religion, ſaith* (m) Origen, *had received its Riſe from Sedition, as* Celſus *ſaith, ſurely their Legiſlator would not have forbid them to kill men, teaching, that action was unjuſt which his Diſciples did attempt upon the moſt wicked perſon*, Mat. 26. 52. *for he conceived it unbecoming his Divine Laws, any way to yield to the Death of a man, nor would the Chriſtians, had they had their beginning from Sedition, admitted ſuch mild Laws as give them up to be ſlain like Sheep, and will not ſuffer them to help themſelves againſt their Perſecutors, or to repell Injuries.*

(l) *Fidelis neque judicet de capite alicujus, vel pudore, neque damnet, neque prædamnet; neminem vinciat, neminem recludat aut torqueat.* Tertul. de Idololat. cap. 17, & 19. *Et prælio operabitur filius pacis, cui nec litigare convenit? Et vincula, & carcerem, & tormenta, & ſupplicia adminiſtrabit, nec ſuarum ultor injuriarum?* De Coron. cap. 11.

(m) Εἰ γὰρ ἐκ στάσεως ἦν ἡ τοῦ Χριστιανισμοῦ γένεσις, —— οὐκ ἂν ὁ νομοθέτης αὐτῶν παντὶ τρόπῳ ἀναίρειν ἀνθρώπους ἐπῃρέ σφε, ὡς πόλεμον ἡγούμενος τὸ ὑπ' ἀνθρώπου τόλμημα τοῦ ἐπὶ τὸν μαθητὴν, κἂν ἀδίκως τοῦτο ἔπαθεν· ἐπεὶ οὐδ' ἂν προεῖτο ἡγήσατο τὸ ἐν θεῖα καὶ νομοθετικὰ τὸ συγχωρεῖν ἀπόλλυσθαι ὑπὸ ἀνθρώπων ἀναίρεσιν, ὅτ' ἂν χειστιανοὶ ἐκ στάσεως ἀρξάμενοι, τοῦ ὅτι τοιούτων ἡμέρως προσηκόντως νόμων δι' ὧν οὐκ ἐπέβαλλε μὴ ἀναιρεῖσθαι αὐτοῖς ἐτύγχανον, μηδὲ ποτε ἀμύνασθαι ἐθέλοντες, τοῦ διώκοντας. *Orig.* contra *Celſum.* l. 3. p. 115.

Let then our *Adverſaries* judge whether theſe *Principles* can be conſiſtent with the Doctrines of their general *Councils*, and with their Practice of burning and deſtroying all whom they call *Hereticks*, and binding *Chriſtian Magiſtrates* to doe ſo? Whether theſe *Fathers* do not expreſly teach, that their

Proceedings againſt *Hereticks* are *irreligious, inconſiſtent with Religion and Juſtice, oppoſite to the Epiſcopal Doctrine, ridiculous, abſurd, and matters of juſt Lamentation?* Whether they do not ſay, that their Severity in this kind is *a Conviction of their Folly*; and that they, by promoting it, do act *not like Chriſt's Biſhops, but the Servants of Antichriſt?* Whether they who thought *that men were to be left to their freedom in matters of Religion, and not to be compell'd by corporal Puniſhments to the Profeſſion of it*, would have approved of the compulſory Decrees of *Roman Councils?* Whether they, who thought it unworthy of the *Chriſtian* to call the *Secular Arm* to their aſſiſtence, were of their Religion, who by Oaths and Excommunications, and other grievous Penalties oblige the *Magiſtrate* to perſecute? Whether they who thought it utterly unlawfull to ſhed humane Bloud, believed that *Chriſtianity* allowed the *murthering* of *Hereticks*, or could approve thoſe *Sanguinary Laws* which they have executed throughout all *Regions* of the World, where their Religion hath prevailed, deſtroying many hundred thouſand Souls onely for keeping a Good Conſcience?

§. VII. Moreover this method of Exterminating *Hereticks* is condemn'd expreſly by the *Holy Fathers* and repreſented as a Practice fit onely for the *Heathen* and the *Heretick*, but moſt unworthy of any *Orthodox Profeſſor* of *Chriſtianity*. *We may hate them that hate God, ſaith the* (n) Interpolator *of* Ignatius, *but we muſt not beat or perſecute them as doe the Gentiles which know not God. We muſt ſeparate from them*

(n) Τὺς μισοῦντας ὄν ἢ Θεὸν μισεῖν χρὴ, —— ἀ μὲ χὴ τύπτειν αὐτοὺς ἢ διώκειν, καθὼς τὰ ἔθνη τὰ μὴ εἰδότα ἢ Κύριον χὴ Θεὸν, ἀλλ' ἐκθρὺς μὲ ἡγεῖσθαι χὴ χωρίζεσθαι ἀπ' αὐτῶν, &c. *Pſeudo-Ignat.* Epiſt. ad *Philadelph.* ed. Uſſ. p. 95.

them, and admonish them, if haply they will hear and rest satisfied, for our God is a Lover of mankind, and would have all men to be saved, and come to the knowledge of the Truth; on which account he causeth his Sun to rise upon the evil and the good, and rains upon the just and the unjust; and, being desirous that we should imitate this his Goodness, he saith, *Be you perfect as your heavenly Father is perfect:* This is there spoken concerning *Schismaticks, False Preachers, Men of False Opinions, Foxes,* and *Corruptors of the Vine,* and therefore certainly of *Hereticks.* (o) *Lactantius* saith thus, "*Religion* is to be defended, not "by *killing*, but by *dying* for "it, not by *Cruelty*, but by "*Patience*; so good men do "defend it: But wicked men, "by *Cruelty* and *Murther.* If you go about, saith he, "to defend *Religion* by *Bloud* and *Torments*, you do "not defend, but pollute and violate it.

(o) *Defendenda est Religio, non occidendo, sed moriendo, non sævitiâ, sed patientiâ,— illa enim malorum sunt, hæc bonorum, & necesse est bonum in Religione versari, non malum, nam si sanguine, si tormentis, si malo Religionem defendere velis, jam non defendetur illa, sed polluetur, atque violabitur. Lact.* l. 5. c. 20.

The Holy Synod of *Alexandria*, consisting of the *Bishops* of *Ægypt, Thebes, Lybia,* and *Pentapolis,* laments the Practice of the *Arians*, who had directed an accusatory Epistle to the *Emperors*, which stirr'd them up to inflict *Death*, or at the least *Banishment*, upon *Athanasius*, (p) *this*, say they, *is just matter of lamentation, these being works so averse from Bishops, who should teach others the way of Justice, that even the meanest Christians, and scarcely Heathens, would be guilty of them; and this the Conscience of you Catholick Bishops throughout the World, to whom we write, very well knows.*

(p) Οὐ τὰ παρ' Ἀθανασίου, ἀλλὰ τὰ παρ' αὐτῶν γινόμενα ὀδύρεσθαι χρὴ, πᾶσα γὰρ αὐτῶν ἐπιστολὴ οὐδὲν ἄλλο ἢ πρὸς θάνατον ὁρᾷ, καὶ φονεύειν ἐπιχείρουσιν, ἐὰν συγχωρῶνται, καὶ ποιεῖν ἐξορίστους· ταῦτα γὰρ ὅτι μηδὲ ψιλῶν χριστιανῶν ἔργα, σπανίως καὶ ἐθνικῶν, μήτιγε ἐπισκόπων δοκούντων, καὶ τοὺς ἄλλους τὰ δίκαια διδάσκειν, σύνορᾶν, ὑμῶν τῶν ἐν Χριστῷ συνείδησιν, ἡγούμεθα. Apud *Athanas.* Apol. ad Imperat. Constant. p. 723.

Athanasius, having declared how the *Arians* spake thus to *Constantius* the *Emperor*, (q) *Thou seest how all men desert us, few remaining, therefore begin a Persecution, that we be not deserted by those few:* And speaking of the Influence this Persecution had upon some fearfull *Bishops*, saith thus, *If it were unbecoming Bishops to change their Opinion out of Fear, yet was it far worse for them to compell men unwillingly to change their Judgments, and an evidence that they distrusted their own Cause; this*, saith he, *is to act like the Devil, and unlike our Saviour, who never used Force, but Persuasion onely, for the Truth must not be taught by Swords, and Weapons, and Souldiers; but by Persuasion and Consultation: Now what Persuasion is there where there is Fear of the King? What Consultation, where he that contradicts must suffer Banishment or Death? —by this Compulsion it appears*, saith he, *that their Wisedom is not according to God, but meerly humane: As for other* (r) *Heresies*, saith he, *they being convinced by Demonstrations, are silent, and doe nothing but blush at their Conviction; but this new and execrable Heresie of the* Arians, *when it is overthrown by Reason, when by Truth it is put to shame, it endeavors to draw them by Force, Stripes and Imprisonments, whom*

(q) Ὁρᾷς πάντας ἀποστάντας ἀφ' ἡμῶν, ὀλίγοι λοιπὸν ἀπολείφθημεν, ἄρξαι διόχειν, ἔπει καὶ παρὰ τῶν ὀλίγων ἀφιέμεθα. καὶ μένομεν ἔρημοι. *Athanas.* Epist. ad Solitariam vitam agentes, p. 815. Εἰ δὲ καὶ ἀπρεπὲς τὸ ὅλως ἐπὶ τούτοις φοβηθέντας τινὰς τῶν ἐπισκόπων μεταθέσθαι, ἀλλὰ μᾶλλον ἀπρεπέστερον, καὶ οὐ θαῤῥούντων οἷς πεπιστεύκασι, τὸ βιάζεσθαι, καὶ ἀναγκάζειν τοὺς μὴ βουλομένους, οὕτως ὁ μὲν Διάβολος, &c. ποία οὖν πειθὼ ἔνθα βασιλέως φόβος; ἢ ποία συμβουλία ἐν ᾗ ὁ ἀντιλέγων τὸ τέλος ἐξορισμὸν ἔχει καὶ θάνατον; —— αὐτὸς δὲ τὸν λόγον οὐκ ἔχων μετ' ἐξουσίας πάντας βιάζεται, ἵνα δειχθῇ πᾶσιν ὅτι ἡ φρόνησις αὐτῶν οὐκ ἔστι κατὰ Θεὸν, ἀλλ' ἀνθρωπίνη, pag. 830, 831.

(r) Καὶ αἱ μὲν ἄλλαι αἱρέσεις ἐλεγχόμενοι τοῦ ἀποδείξεσιν ὑπ' αὐτῆς τῆς ἀληθείας σιωπῶσι, μηδὲν πλέον ἢ ἐντρεπόμεναι τοῖς ἐλέγχοις, ἡ δὲ νέα καὶ μυσαρὰ τούτων αἵρεσις ὅταν ἀνατραπῇ τοῖς λόγοις ὅταν ὑπ' αὐτῆς τῆς ἀληθείας αἰσχυνθεῖσα πέσῃ, λοιπὸν οὓς μὴ δεδύνηται πεῖσαι λόγοις, τούτους τῇ βίᾳ, καὶ πληγαῖς, καὶ δεσμωτηρίοις ἕλκειν ἐπιχειρεῖ, γνωρίζουσα ἑαυτὴν καὶ οὕτως ὡς πάντα μᾶλλον ἐστὶ ἡ θεοσεβῆς· θεοσεβείας μὲν γὰρ ἴδιον, &c. αὕτη δὲ παντελῶς ἀλλοτρία τῆς θεοσεβείας, τὸ ποιεῖν αὐτὴν ἐχρὴν ἢ ἐναντία τοῦ Σωτῆρος. *Athanas.* ibid. p. 855.

whom it could not persuade by words, and so doth manifest it self to be nothing less than pious, for it is the Property of true Religion not to compell, but to persuade, as we have said already; —for our Lord himself, not offering Violence, but giving place to humane Choice, said to all, If any man will come after me; and to his Disciples, Will ye also go away? This Heresie therefore which is perfectly repugnant to Piety, what should it doe but that which is contrary to our Saviour? There are some things for which we must fight valiantly, saith (s) *Gregory Nazianzen,* viz. *with Reasons, not with Arms, for to lift up our hands against them* (that is, against *Hereticks*) *is wholly contrary to our Profession, and must be left to them who hate us.*

(s) Ὑπὲρ δὲ τίνων καὶ πολεμητέον ἐκθύμως, λογικῶς, ἀλλ' οὐχ ὁπλιτικῶς, τὸ γὰρ καὶ χεῖρας ἀνταίρειν, παντελῶς ἔξω τῆς ἡμετέρας αὐλῆς, καὶ τοῖς μισοῦσιν ἡμᾶς ἀποριπτέον. Orat. tertia pro Pace, p. 220, 221.

Saint *Chrysostom,* in his Exposition of the Parable of the *Tares,* speaks thus, (t) *Wherefore doth Christ introduce his Servants saying, Wilt thou that we pluck up the Tares?* his Answer is, *That he might tell them that it was unlawfull to cut them off. They permit not themselves,* saith he, *to doe this, but they expect the Sentence of their Lord, saying, Wilt thou have it done? Now he forbids them, saying, lest you root up the Wheat together with them; and this he said, forbidding Wars and Bloud and Slaughters to be made; for 'tis not lawfull to cut off the Heretick, though he is*

(t) Τίνος δὲ ἕνεκεν εἰσάγει τοὺς δούλους λέγοντας τὸ γεγενημένον; ἵνα εἴπῃ ὅτι οὐ δεῖ ἀναιρεῖν αὐτούς· --οὐ γὰρ ἑαυτοῖς ἐπιτρέπουσιν, ἀλλὰ τοῦ δεσπότου τὴν γνώμην ἀναμένουσι, λέγοντες θέλεις; τί οὖν ὁ δεσπότης; κωλύει, λέγων μήποτε ἐκριζώσητε ἅμα αὐτοῖς τὴν σῖτον, τοῦτο δὲ ἔλεγε κωλύων πολέμους γίνεσθαι, καὶ αἵματα, καὶ σφαγὰς, οὐ γὰρ δεῖ ἀναιρεῖν αἱρετικὸν, ἐπεὶ πόλεμος ἄσπονδος εἰς τὴν οἰκουμένην ἔμελλεν εἰσάγεσθαι. --διὰ τοῦ μὴ ἐκριζώσητε ἅμα αὐτοῖς τὴν σῖτον, ἢ τοῦτό φησιν ὅτι εἰ μέλλοιτε κινεῖν ὅπλα, καὶ κατασφάττειν τοὺς αἱρετικοὺς, ἀνάγκη πόλλους καὶ τῶν ἁγίων συγκαταβάλλεσθαι, ἢ ὅτι ἀπ' αὐτῶν τῶν ζιζανίων πολλοὺς εἰκὸς μεταβάλλεσθαι, καὶ γίνεσθαι σῖτον, ἂν τοίνυν, προλαβόντες ἑαυτοὺς, ἐκριζώσητε, λυμαίνεσθε τῷ μέλλοντι γίνεσθαι σίτῳ, οὓς ἐγχωρεῖ μεταβαλλέσθαι, καὶ γένεσθαι βελτίους, ἀναιροῦντες, οὐ τοίνυν κατέχειν αἱρετικοὺς, καὶ ἐπιστομίζειν, καὶ ἐκκόπτειν αὐτῶν τὴν παῤῥησίαν καὶ τὰς συνόδους, καὶ τὰς σπονδὰς διαλεύειν κωλύει, ἀλλ' ἀναιρεῖν, καὶ κατασφάττειν. In locum.

like to bring an irreconcileable War upon Earth. Again, *by these words, Lest you root up, he either saith, that if you go about to wage War, and slay the Heretick, it will necessarily happen that you will destroy many of the Saints with them, or that it may so happen that many of the Tares may be converted, and become Wheat; if therefore you prevent their being so, by rooting them up, you prejudice the future Wheat, by taking them away, who may be changed and become better. Christ here forbids us not to stop their mouths, restrain and hinder their Boldness of Discourse, dissolve their Synods and Confederacies, but he forbids us to Kill, and Cut them off.* In his Homily against *Anathema's* he permits us to (v) *anathematize the Heresie*, but commands ut by all means *to spare the Heretick; if*, saith he, *the man remain contentious, and will not be reclaim'd, do thou onely testifie against him with Long-suffering and Goodness, that thy Judge require not his Life at thy hand, hate him not, persecute him not.*

(v) Τὰς μὲν αἱρέσεις διήλεγχον, καὶ ἀπέβαλλον, οὐδενὶ δὲ τούτων τῶν αἱρετικῶν ταύτην ἐπιτιμίαν προσῆγον. Tom. 6. p. 441. Τὰ γὰρ αἱρετικὰ δόγματα ἀναθεματίζειν χρὴ, πᾶσαν δὲ φειδὼ ἀνθρώπων ποιεῖσθαι.—— p. 443. Εἰ δὲ μὴ βούλεται, ἀλλ' ἐμμένει φιλονεικῶν --- διαμάρτυρε μόνον μετὰ μακροθυμίας, καὶ χρηστότητος, ἵνα μὴ τὴν ψυχὴν αὐτοῦ ἐκζητήσῃ ἐκ χειρός σου ὁ Κριτῆς, pag. 441. lin. 31. &c.

Saint *Austin* vehemently condemns the inflicting Capital Punishments upon *Hereticks*, and saith that *all good Christians* did agree with him in that matter. For when *Cresconius* had objected to the *Orthodox*, that they were instrumental to procure the Death of three *Donatists*, St. *Austin* answers, that (x) "No good man "in the *Catholick Church* al- "lowed the punishing of *Here-* "*ticks* with *Death*, and if the "Lust of Revenge in any per- "son doth render *evil for evil*, "we

(x) *Nullis tamen bonis in Ecclesia Catholica hoc placet, si usque ad mortem in quenquam, licet hæreticum, sæviatur, neque verò si longè à morte cujuslibet molestiis libido ulciscendi malum pro malo retribuat, approbamus; multo amplius detestantes, si ex hac occasione, velut pro unitate conandi, concupita quis auferat aliena---hæc omnia displicent nobis, & ea prohibent, & cohibent*

" we do not approve of them, " though their Puniſhments be " much leſs than *Death*; much " more do we deteſt the *rob-* " *bing* any of their private Goods, or taking away " what belongs to them, though this be done for the " procuring Unity: all theſe things diſpleaſe good " men, they forbid, they hinder them as much as they " can, judging them not laudable, but damnable. In his Book *De fide & operibus* he complains, that, (*y*) " ſome " conſidering the Precepts of " Severity by which we are " commanded to correct the " unquiet, to look upon the " *Contemner* of the *Church* as an " *Heathen*, to ſeperate the *ſcandalizing Member* from " the *Body*, do ſo diſturb the *Church's* Peace, that " they endeavor, before the time, to pluck up the " *Tares*, and, being blinded with this *Error*, are ra- " ther ſeperated themſelves from the Unity of *Chriſt*. Beſides theſe Paſſages, he hath Four ſeveral Epiſtles writ upon this very Subject, *viz.* the 127th to *Donatus*, Proconſul of *Africa*; the 158th, 159th, to *Marcellinus* the *Tribune*; the 160th to *Apringius*; in which we may obſerve,

quantum poſſunt, quantum autem non poſſunt, ſerunt: & ſicut dixi, pro pace laudabiliter tolerant, non ea laudabilia, ſed damnabilia judicantes. Auguſt. contra *Creſcon.* Grammat. l. 3. cap. 50.

(*y*) *Quidam intuentes præcepta Severitatis quibus admonemur corripere inquietos, ut Ethnicum habere Eccleſiæ Contemptorem, à compage corporis membrum quod ſcandalizat avellere, ità perturbant Eccleſiæ pacem ut conentur ante tempus ſeperare zizania, atque hoc errore cæcati, ipſi potius à Chriſti unitate ſeperentur. Auguſt.* De fide & operibus, cap. 4.

1. The thing which he moſt earneſtly requeſts, *viz.* (*z*) that " the *Hereticks* may not be kill'd, " that they may be ſo corrected " as not to be cut off, *Ep.* 127. that " they may not be puniſh- " ed with Death, *Ep.* 158. that " the Sword of Juſtice " might not ſhed their Bloud, *Ep.* 160.

(*z*) *Vos rogamus nè occidantur. Sic eorum peccata compeſce, ut ſint quos pœniteat peccaſſe*, Ep. 127. *Pœna ſanè illorum, quamvis de tantis ſceleribus confeſſorum, Rogo te, ut præter ſupplicium mortis ſit*, Ep. 158. *Tu ab eorum ſanguine, etiam propter Chriſtum, juridicum gladium cohibe*, Epiſt. 160.

2. Ob-

2. Obſerve the Importunity with which he urgeth his Requeſt, *deſiring, admoniſhing, interceding*, Ep. 160. Yea, (*a*) " beſeeching them by " the Name of *Chriſt*, not to in- " flict this Puniſhment upon " them, *Epiſt.* 127. and by the " Mercies of *Chriſt Jeſus*, that " they would neither doe it, " nor permit it to be done, *Ep.* " 159, 160. declaring his great Solicitude for the Prevention of it, *Epiſt.* 159. And profeſſing that " the *Orthodox* had rather dye them- " ſelves, than that this Puniſhment ſhould be inflicted " on the *Heretick*.

(a) *Quod te per Jeſum Chriſtum. nè facias, obſecramus*, Ep. 127. *Obteſtor fidem tuam quam habes in Chriſto, per ipſius Domini Chriſti miſericordiam, ut hoc nec facias, nec fieri omnino permittas*, Epiſt. 159. *Per miſericordiam Chriſti obſecro*, Ep. 160. *Neceſſitate nobis impactâ & indictâ, ut etiam occidi ab iis eligamus, quàm eos occidendos veſtris judiciis ingeramus*, Ep. 127.

3. Obſerve the Perſons for whom he thus pathetically intercedes, *viz.* the *Circumcellians*, who cruelly had ſhed the Bloud of *Catholicks*, and had confeſs'd, before theſe very *Magiſtrates*, that " they had killed (b) *Re-* " *ſtitutus*, a *Catholick Presbyter*; " put out the Eye, and cut off " the Finger of *Innocentius*, an- " other *Presbyter*, Epiſt. 159, 160. they therefore had " deſerved Death as *Murtherers*, if not as *Hereticks*.

(b) *Comperi plurimos eorum de homicidio quod in* Reſtitutum *Catholicum Presbyterum commiſerunt, & de cæde* Innocentii *alterius Catholici Presbyteri, atque de Oculo ejus effoſſo, & de Digito præciſo fuiſſe confeſſos*, Ep. 159, 160.

4. Obſerve the Reaſons which moved him and others to be thus importunate, and with ſuch Paſſion to entreat theſe *Hereticks* might not be puniſhed with *Death*, viz. 1. (*c*) " That they " might not ſeem to be forget- " full of *Chriſt*'s Command, to " love their Enemies and to pray " for them, *Ep.* 127. 2. (*d*) " Be- " cauſe this was that *Mildneſs* " which became *Catholicks*, and " which

(c) *Nè obliviſcamur quid nobis præceperit, pro cujus veritate ac nomine patimur, qui diligimus inimicos noſtros, & oramus pro eis*, Epiſt. 127.

(d) *Non ſuffecit Apoſtolo monere ut manſuetudinem ſervaremus, ſed ut eam etiam notam omnibus faceremus.* Ep. 159.

" which the Rules of *Chriſtianity* required from them,
" commanding them not onely to be *gentle*, but to
" make known their *lenity* to all, *Epiſt.* 158, 159.
" 3. (*e*) Becauſe the Perſon
" who inflicts, and the *Church*
" which permits theſe Puniſh-
" ments to be inflicted, would
" both have cauſe to fear the Judgments of *God* for
" this Cruelty. 4. (*f*) Becauſe
" it was againſt their Conſci-
" ence to allow of ſuch Deport-
" ment towards theſe men, *Ep.*
" 158, 160. 5. (*g*) Becauſe
" they deſired that theſe *Here-*
" *ticks* and *Schiſmaticks* might
" not inevitably periſh, but
" might have time to repent of their Sins, *Epiſt.* 127.
" 6. (*h*) Becauſe this harſh Pro-
" ceeding would deter the *Ca-*
" *tholicks* from ſeeking the Pro-
" tection of the *Magiſtrate* a-
" gainſt ſuch men, *Epiſt.* 127.
" 7. (*i*) Becauſe the contrary
" Mildneſs was expedient for
" the *Catholick Church*, and the
" Cauſe which they pleaded
" was the Cauſe of the *Church*, which they could not
" deſert, *Ep.* 159, 160. Laſtly,
" (*k*) Becauſe the Paſſions of
" the Servants of *God* would
" be polluted and diſhonoured
" by the Bloud of their Ene-
" mies, *Epiſt.* 158, 160. And this he tells us was the
Judgment of a whole *Council* of his Brethren, this

(e) *Time ergo nobiſcum judicium Dei Patris, & commenda manſuetudinem Matris, cùm enim tu facis, Eccleſia facit; propter quam facis, & cujus filius facis.* Epiſt. 160.

(f) *Propter conſcientiam noſtram rogo.* Ep. 158. *Ubi ponimus ipſam conſcientiam nè malum pro malo, qui paſſi ſunt, reddidiſſe videantur,* Ep. 160.

(g) *Ut ſint quos pœniteat peccâſſe.* Ep. 127. *Tu inimicis Eccleſiæ viventibus relaxa ſpacium pœnitendi.* Ep. 160.

(h) *Si occidendos in his ſceleribus homines putaveritis, deterrebitis nos nè per operam noſtram ad veſtrum judicium aliquid tale perveniat.* Ep. 127.

(i) *Hoc Eccleſiæ Catholicæ expedire conteſtor.* Ep. 159. *Nec tamen ſic Eccleſiæ cauſam deſererem.* Ep. 160.

(k) *Nè paſſiones Servorum Dei Catholicorum, quæ prodeſſe debent ad exempla patientiæ, inimicorum ſuorum ſanguine fœdarentur.* Ep. 158. Ep. 160.

was obtained by the Complaints of many other *Biſhops* upon occaſion of the Murther of *Maximianus*, Biſhop of *Vaga*, that the Cruelty of the *Donatiſts* ſhould be puniſhed, (*l*) "but "not with Capital Puniſhment, "that *Chriſtian Meekneſs* might "be preſerved even towards "the unworthy.

(1) *Non tamen Supplicio capitali, propter ſervandam, etiam circa indignos, manſuetudinem Chriſtianam.* Ep. 50. p. 220.

If then the *Fathers* do aſſert that it is *Heatheniſh to beat and perſecute the Heretick*, that it is that *which Heathens ſcarce would doe.* That *onely wicked men defend Religion by Cruelty and Torments*; and that *this way of defending it ought to be left to them.* That *they who do endeavor to defend it by Bloud and Torments, do pollute and violate it.* That *it is averſe from Biſhops and from all orthodox and pious Chriſtians to ſtir up Chriſtian Emperors to inflict Baniſhment and Death on a Religious account*, and, *contrary to our Profeſſion, to lift up the hand againſt the Heretick.* That *it was worſe to compell men unwillingly to change their Judgments, than for others out of fear to doe it.* That this is *Diabolical, unlike our Saviour*, and *an evidence that they who doe ſo, diſtruſt their own cauſe*; and that *their wiſedom is not according to God, but meerly humane.* That it is *contrary to Religion*, and *to our bleſſed Saviour.* That *'tis unlawfull to cut off the Heretick, though he be likely to bring an irreconcileable War upon the Earth.* That *Chriſt himſelf forbids it*, and that to doe it is *to be unmindfull of his Precepts* and of the *Rules of Chriſtian Faith.* That *they who doe ſo may expect their Judge ſhould require their Lives at their hands, and ſhould inflict his Judgments on them, and on that Church which doth permit it.* That *no good Catholick allowed the Puniſhment of Hereticks with Death*

Death or Deprivation of their goods, or with Punishments much less than Death. That *these things were not laudable but damnable*; and that it was *against their Conscience* to approve of them. That they who act thus against *Hereticks are Disturbers of the Churches Peace*, and *separate themselves from the Unity of the Church.* Lastly, That they had rather *dye themselves, than Hereticks should be slain.* I say, they who assert these things sufficiently condemn the *Church* of *Rome*, the Practice of that *Church*, and the *Decrees* of her most *General Councils* in this Point.

§. VIII. Moreover this Severity was as repugnant to the Practice of the *Ancient Church* as to the *Principles* of her renowned *Doctors.* For "we do "not desire, saith (n) *Lactantius*, that any man should worship our *God* against his will, "and if he doth not doe it, we "are not angry; we retain no "man against his will in our Profession; for he who "wants Faith and Devotion is unprofitable to *God.* The *Synod* of (o) *Alexandria* expresly saith, *That Bands and Slaughters were things repugnant to their Church; that* Athanasius *never delivered up any one to the Tormentor; that the Prison was never troubled with any one sent thither by him; our Priesthood*, say they, or, *our Administration of things Sacred, as it hath alwaies been, so is it now, pure, and sanctified by no other Bloud but that of* Jesus. And therefore when *Cresconius*, the *Grammarian*, had objected to the *Orthodox* the Death of three *Donatists*, St. *Austin* answers, that *no good men in the Catholick Church allowed*

(n) *Nos non expetimus ut Deum nostrum velint nolint colat aliquis invitus, nec si non coluerit irascimur. Lact.* l. 5. cap. 20. p. 524. *Nemo à nobis retinetur invitus, inutilis est enim Deo qui Devotione & Fide caret.* Cap. 19. p. 519.

(o) Σφαγαὶ δὲ καὶ δεσμοὶ τῆς ἐκκλησίας ἡμῶν ἀλλότρια, &c. Apud *Athanas.* To. 1. p. 724.

Contra Crescon. *lib.* 3. *cap.* 50.

allowed of the puniſhing Hereticks with Death; that they forbad and reſtrained it as much as they were able.

(p) *Sulpitius Severus* doth inform us, that "when the *Hereſie* of the *Priſcillians* ſprang "up, *Idacius* and *Ithacius*, thinking this Evil might be ſuppreſſed in the firſt Riſe, went "unadviſedly to the *Civil Judges*, deſiring them to decree "that the *Hereticks* might be "expelled the Cities. That "when *Maximus* came to be "Emperor, *Idacius* and *Ithacius* applied themſelves to him "againſt the *Priſcillians*, on "which account, ſaith *Sulpitius*, the Accuſors diſpleaſe me "as much as the Guilty. Moreover he informs us that "Saint "*Martin*, a man, ſaith he, to be "compared to the Apoſtles, "reproved *Ithacius*, adviſed "him to deſiſt from his Accuſation, and deſired *Maximus* "the *Emperor* to abſtain from "the Bloud of the *Hereticks*, "declaring, that it was ſufficient, *N. B.* that being judged "*Hereticks* by the Spiritual Sentence, they ſhould be expell'd "their *Churches*, and that it was "a new and unheard-of Wickedneſs, that a Secular Judge ſhould determine of the

(p) *Tum verò* Idacius *atque* Ithacius *acrius inſtare, arbitrantes poſſe inter initia malum comprimi: ſed parum ſanis conſiliis, N. B. ſeculares Judices adeunt, ut eorum decretis Hæretici urbibus pellerentur. Sulpit.* l. 2. §. 62. *Igitur poſt multa & fœda,* Ithacio *ſupplicante, elicitur à* Gratiano *tum Imperatore reſcriptum, quo univerſi Hæretici excedere non Eccleſiis tantùm aut urbibus, ſed extra omnes terras propelli jubebantur.* Ibid. *Ubi* Maximus *oppidum Trevirorum Victor ingreſſus eſt,* Ithacius *ingerit preces plenas in* Priſcillianum *& Socios ejus invidiæ atque criminum, —itâ omnes ad Regem deducti —* Idacius *&* Ithacius *Epiſcopi, quorum ſtudium in expugnandis Hæreticis non reprehenderem, ſi non ſtudio vincendi plus quam oportuit certaſſent; Ac mea quidem ſententia eſt, mihi tam reos quàm Accuſatores diſplicere.* §. 63. *Tum* Martinus *apud Treveros conſtitutus non deſinebat increpare* Ithacium *ut ab accuſatione deſiſteret,* Maximum *orare, ut ſanguine infelicium abſtineret: ſatis ſuperque ſufficere ut Epiſcopali ſententiâ Hæretici judicati, Eccleſiis pellerentur: novum eſſe, & inauditum nefas ut cauſam Eccleſiæ Judex ſeculi judicaret. Denique — egregiâ authoritate à* Maximo *elicuit reſponſum nihil cruentum in reos conſtituendum. Sed poſtea Imperator per* Magnum *&* Rufum *Epiſcopos depravatus, & à mitioribus conſiliis deflexus — cenſuit* Priſcillianum *Socioſque ejus capitis damnari oportere. — itâ* Priſcillianus *Capitis damnatus eſt, unáque cum eo* Felicisſimus *&* Armenius-Latronianus *quoque, &* Eutrochia *gladio perempti — itum deinde in reliquos ſequentibus judiciis, damnatique* Aſarinus *&* Aurelius *diaconus gladio — hoc ferè modo homines luce digniſſimi peſſimo exemplo, N. B. necati, aut exiliis multati: cæterum* Ithacius *videns quàm invidioſum ſibi apud Epiſcopos foret ſi accuſato, etiam poſtremis Capitalium rerum judiciis aſtitiſſet, ſubtrahit ſe cognitioni fruſtra, callido jam ſcelere peracto.* §. 64.

" the Cauſe of the *Church*, and that he obtained a " Promiſe from *Maximus*, that nothing bloudy ſhould " be done againſt them. That afterwards the *Emperor* " decreed, that *Priſcillian* and his Companions ſhould " ſuffer capital Puniſhments, and that accordingly " they did thus ſuffer, and ſo, ſaith he, men not wor- " thy to live, by a moſt vile example, were either " kill'd or exiled. He alſo doth inform us, that *Itha-* " *cius*, having procured this Wickedneſs, vainly with- " drew himſelf from the Tryal of theſe men. In his Third (*q*) Dialogue he informs us, that " after the Death of " *Priſcillian*, *Maximus* the *Em-* " *peror*, a man otherwiſe good, " being led aſide by the Coun- " ſells of ſome *Biſhops*, did by " his Kingly Power defend *I-* " *thacius* and his Companions " from being accuſed for this " Crime. And that ſome *Bi-* " *ſhops* were met at *Treves*, who, " by communicating daily with " *Ithacius*, had made his Cauſe " their own, and had obtained " of the *Emperor* a Decree to " ſend ſome *Tribunes* armed with " the Sovereign Power, into " *Spain*, to enquire after the " *Hereticks*, and to deprive them " both of Life and Goods; that " Saint *Martin* labored with " great Care to prevent the " Miſſion of theſe *Tribunes* in- " to *Spain*, with the Power of

(*q*) Maximus *Imperator*, *aliàs ſanè bonus*, *depravatus Conſiliis Sacerdotum*, *poſt* Priſcilliani *necem*, Ithacium *Epiſcopum*, Priſcilliani *accuſatorem*, *cæteróſque illius Socios*, *vi Regiâ tuebatur*, *nè quis ei Crimini daret*, *opera illius cujuſcumque modi hominem fuiſſe damnatum*,——*congregati apud Treveros Epiſcopi tenebantur*, *qui quotidie communicantes* Ithacio, *communem ſibi cauſam fecerunt*. *Et jam pridie Imperator ex eorum ſententia decreverat Tribunos mittere*, *ſummâ poteſtate armatos*, *ad Hiſpanias*, *qui Hæreticos inquirerent*, *deprehenſis vitam & bona adimerent*——*illa præcipua cura* (Martini, *ſc.*) *nè Tribuni cum jure gladiorum ad Hiſpanias mitterentur*, *pia enim erat ſolicitudo* Martino, *ut non ſolùm Chriſtianos qui ſub illa erant occaſione vexandi*, *ſed ipſos etiam Hæreticos liberaret*. ——*ſpondet ſi parceretur ſe communicaturum* (*cum* Ithacianis) *dummodo ut & Tribuni*: *jam in excidium Eccleſiarum ad Hiſpanias miſſi retraherentur*——*ſatiùs æſtimans ad horam cedere*, *quàm his non conſulere quorum cervicibus gladius imminebat*: *poſtero die ſe inde propipiens*, *cùm mœſtus ingemiſceret ſe vel ad horam noxiæ communioni fuiſſe permixtum*; ---*aſtitit ei repentè Angelus*. *Meritò inquit* Martine *compungeris*, *ſed aliter exire nequiſti*, *repara virtutem*, *reſume conſtantiam*, *nè jam non periculum gloriæ ſed ſalutis incurreris*, *itaque ab illo tempore ſatis cavit cum illa* Ithacianæ *partis communione miſceri*. Dial. 3. §. 15.

" the Sword, as being piouſly ſolicitous not onely " to preſerve the *Chriſtians*, but even the *Hereticks* " alſo from Death, and that, to accompliſh this " work, he for a while conſented to embrace the " communion of *Ithacius*, and his Party; that after- " wards the good man was troubled that he had com- " municated with them, and that an Angel appea- " red to him, and told him he had juſt cauſe to be " ſorry for what he had done, and that he ſhould re- " pair his Vertue, and reaſſume his Conſtancy, leſt " he incurr'd the loſs not onely of his Honor, but Sal- " vation, and that from that time Saint *Martin* would " never any more communicate with the *Ithacian* Par- ty. * *Baronius* confeſſeth that *Pope* Syricius *did alſo refuſe communion with* Ithacius *and his Party upon this account, and wrote Letters againſt them.* Saint (r) *Ambroſe* alſo ſaith, that " he abſtained from " the communion of thoſe who " deſired the Death of *Here-* " *ticks.* The (s) *French Biſhops* alſo refuſed communion with *Felix*, as being made a *Biſhop* by them, and the *Council* of *Turin* gives leave to any ſo to doe. * *Binius* confeſſeth that *Theognoſtus*, and other *Biſhops* of the (t) *Catholick* communion " did ex- " communicate *Ithacius* with his " Companions on this account, bloudy, and unworthy of the " Prieſthood. (v) *Baronius* and *Spondanus* treating of this Example, ingeniouſly confeſs, that " not one of the Holy *Fathers* " did

* *Ad An.* 386. §. 27.

* *Not. in Concil. Trevir. An.* 386.

(r) *Cùm videret me abſtinere ab Epiſcopis qui communicabant ei, vel qui aliquos, devios licet à fide, ad necem petebant. Ambroſ.* Ep. 27.

(s) *Illud decrevit præterea Sancta Synodus, ut quoniam Legatos Epiſcopi Galliarum, qui Felici non communicant, deſtinarunt, ſi quis ſe ab ejus communione ſequeſtrare velit, in noſtræ Sanctæ pacis conſortium ſuſcipiatur.* Concil. Taurin. cap. 5.

(t) Ithacius *&* Urſatius, *Epiſcopi, ob necem* Priſcilliani, *cujus Accuſatores fuerunt, Eccleſiæ communione privantur. Proſper.* Chronic. ad A. D. 389. *Iſidor.* De viris illuſtribus, cap. 2.

(v) *Nondum enim de Epiſcopo aliquo auditum in Eccleſia Dei erat de Sontibus pœnam ſanguinis exegiſſe. Baron.* ad An. 385. §. 29. *& rurſus, nullus Sanctorum Patrum laudavit id poſſe fieri ſuggeſtione Sacrorum Antiſtitum.* Ad An. 386. §. 27.

" did allow, that *Eccleſiaſtical Perſons* ſhould procure " the Puniſhment of *Hereticks* with Death, or move " the *Civil Magiſtrate* to doe it; but that they vehemently dehorted them from it; and therefore they excuſe the Practice of their *Church*, their *Pope*, *Biſhops* and *Councils*, by telling us that (x) " in the *Catholick* " *Church* it is the Cuſtom, that " when any one deſireth the Aſ- " ſiſtence of the *Civil Magiſtrate* " againſt *Hereticks*, that he may " not ſeem to be a Follower of " the *Ithacian* Party, he firſt ad- " viſedly makes this Proteſtation, that he ſo deſires " the Correction of theſe incorrigible Delinquents, " as to intreat their Bloud may not be ſhed. And *Binius* adds, that (y) *Ithacius* " was condemned becauſe he " deſired that *Hereticks* might " be puniſhed with Death, with- " out the Interpoſition of this " Proteſtation. Now this is ſuch a piece of *Diabolical Hypocriſie* as doth not in the leaſt excuſe, but highly aggravate their Crime. The *Hypocriſie* and Prophanation of *God*'s holy Name, which by theſe Writers is ſtyled *The Proteſtation uſed by the Catholick Church*, is this, When they deliver the condemned perſon to the *Civil Magiſtrate*, the *Biſhop* or *Inquiſitor*, having delivered him, ſpeaks thus, (z) " Sir, We paſ- " ſionately deſire you, for the " Love of God, and in regard " of Piety, Mercy and our Me- " diation,

(x) *Unde in Eccleſia Catholica uſu receptum eſt, ut cùm quis expetit à Secularibus Magiſtratibus opem adverſus impios, nè Ithacianæ partis Sectator eſſe videatur, conteſtationem illam conſultè præmittat, ſic ſe correctionem expetere incorrigibilium delinquentium, ut tamen citra pœnam ſanguinis puniantur.* Spondan. Epiſt. ad A. D. 385. p. 513, 514. *Baron.* ad A. 386. §. 23.

(y) Theognoſtus, *aliique Catholicæ communionis Epiſcopi,* Ithacium *cum Sociis——excommunicarunt, quia ſævius agens, in eoſdem pœnam capitis procuraſſet, ſolitámque Interpoſitionem non interpoſuiſſet, qua ſe Delinquentium incorrigibilium correctionem ſic expetere declararet, ut tamen à Sanguinis pœna abſtineretur.* Not. in Concil. Trevir. A. D. 386.

(z) *Domine Judex, rogamus vos cum omni affectu quo poſſumus, ut amore Dei, & Miſericordiæ intuitu, & noſtrorum interventu precaminum miſerrimo huic nullum mortis vel mutilationis periculum inferatis.* Pontif. Rom. *Romæ,* 1611. p. 456.

" diation, you would free this miſerable perſon from " all Danger of Death or Mutilation of Members; but notwithſtanding all this ſeeming Piety and Tenderneſs, when they have ſentenced an *Heretick* to Death, they require the (a) "*Magiſtrate* to execute that Sen- " tence within Six days, upon " pain of Excommunication, " Deprivation, and Loſs of Authority and Offices, ſaith the Conſtitution of *Innocent* the Eighth; *within Five days*, ſaith the Conſtitution of *Innocent* the Fourth; *he muſt preſently take him into cuſtody for that end*, ſaith the Coſtitution of *Clement* the Fourth. Their *Popes* have approved and confirmed the *Decrees* of *Emperors*, *Kings*, *Dukes* and other *Civil Governors*, which command them to be put to Death; they have decreed, that the Puniſhment of *Hereticks ſhall neither be relaxed nor delayed*; that the *Magiſtrate ſhall execute the Sentence without reviſing of the Juſtice of it*; that *he ſhall take an Oath to execute it*: Nay, both their *Biſhops*, *Popes* and *Councils*, ſince the Twelfth *Century*, have been continually imployed in inſtigating others to deſtroy and to cut off the *Heretick*, and raiſing Armies of *Cruſado's* to that end; all which is fully proved in the enſuing Book. Yea, their own Writers do ingenuouſly confeſs, that *this Interceſſion in behalf of the condemned Heretick is in the common opinion barely a color*; *that it is verbal, not effectual*; for the Criminal is delivered to the Secular Power *for this very end, that he may dye.* And the (b) *Magiſtrate ought to puniſh him.* Let therefore any reſonable perſon judge, whether their Practice in this kind be not

(a) *Infra Sex dies, ſine aliqua proceſſuum viſione, Sententias latas prompte exequantur, ſub Excommunicationis pœna, aliiſque Cenſuris.* *Innoc.*8. Conſt.10. *Bullar.*Rom. To.1. p.337.

Cap. 24.

Bull. *Rom. To.* 1. *p.* 174.

Vide §. 12.

§

(b) *Magiſtratus ſecularis quemcunque Hereticum ſibi à Judicibus fidei traditum debet ultimo ſupplicio afficere.* Vide R. Epiſc. *Lincol.* Brutum Fulmen. p. 207, 208.

not most gross *Hypocrisie*, *Self Condemnation*, and *Profanation* of *God's* Holy Name; and whether this will in the least excuse them from being *Partis Ithacianæ Sectatores*, or, *Followers of the Example of* Ithacius?

§. IX. *Objection.* But, saith the querulous Dissenter, Is there no other *Church*, or Person, concern'd in this Example besides that of *Rome?* Know you of no Decree or Edict elsewhere, *ut exilio mulctarentur Priscillianistæ?* Was there never any Supplication made to *Gratian* by some *Ithacius*, *Ut universi Hæretici non Ecclesiis tantum, aut Urbibus, sed extra omnes Terras propelli juberentur?* Was there never any other *Emperor*, *aliàs sanè bonus*, *per* Magnum & Rufum *Episcopos*, *à mitioribus consiliis deflexus?* Sulp. p. 467. p. 474, 607.

Answ. I know that Mr. *Baxter* and some other *Non-conformists* speak much of our *Ithacian Prelates*, but, had they found them such, they would not have been here to make such Tragical Complaints against them without cause: Sure I am that our *Lords Spiritual and Temporal in Parliament assembled* have sufficiently declared against this persecuting Spirit on the account of Religion by their full Approbation of, and *thanks returned to the Lord Bishop of Saint* Asaph *for his Sermon preach'd before them*, Nov. 5. 1680. and their *desire that he would print and publish that Sermon*, in which, First, He laies down this Position, *viz. That of Societies of men, Christians, of all other, are most averse from waies of Violence and Bloud, specially from using any such waies on the account of Religion; And, among Christian Churches, where they differ among themselves, if either of them use those waies upon the account of Religion, they give a strong Presumption against themselves, that they are not truly Christian.* p. 9.

The reason is, because Christ *gave Love for the Character by which his Disciples were to be known*, Joh. 13. v. 35. *And left men should unchristen others first, that they may hate them, and destroy them afterwards*, Christ *enlarged his Precept of Love and extended it to Enemies, and not onely to ours, but to the Enemies of our* p. 12, 13. *Religion*, Matt. 5. 43, 44. Secondly, He adds that *by this we may usually judge who they are that excell among Christian Churches, when there happens any difference between them, whether touching the Faith or the Terms of Communion; they that were the more fierce,* p. 14. *they generally had the worst Cause*, as, v. g. *the Nicene Council suppres'd the* Arians *by no other force but putting* Arians *out of their Bishopricks; they could not think Hereticks fit to be trusted with the Care of Souls, but otherwise as to temporal things, I do not find that they inflicted any kind of Punishment; but when the* Arians *came to have the Power in their hands——then Depriving was nothing, Banishment was the least that* p. 37. *they inflicted.* Thirdly, That *he would have no man punished for his Religion, no not them that destroy men* p. 20. *for Religion.* Fourthly, He saith that *neither our Religion nor our Church is of a persecuting Spirit, she hath no Doctrine that teacheth Persecution, N. B. she hath not practised it as others, when they were in authority. I thank God for it, and I hope she will alwaies continue in the temper; which being added to the other marks of a True Church, may assure us, she is a Church according to the mind of* Christ. The same is in effect declared by the *House of Commons*, when they returned their Thanks to Dr. *Tillotson*, Dean of *Canterbury*, *for his Sermon preached before them*, Novem. 5. 78. desiring him *to print that Sermon*; where, having laid down p. 13, 14. the Example of our *Lord*, he adds, that *in imitation*

of

of this bleſſed Pattern, the Chriſtian Church continued to ſpeak and act for ſeveral Ages, and this was the Language of the H. Fathers, Lex nova ſe non vindicat ultore gladio, *The Chriſtian Law doth not avenge it ſelf by the Sword*; *This was then the Style of Councils*, Nemini ad credendum vim inferre, *To offer violence to no man, to compell him to the Faith*; adding p. 19. that *to ſeparate Goodneſs and Mercy from God, Compaſſion and Charity from Religion, is to make the two beſt things in the World good for nothing.* And, p. 30. *That true Chriſtianity is not onely the beſt, but the beſt-natured Inſtitution in the World, and ſo far as any Church is departed from good nature, and become cruel and barbarous, ſo far is it degenerated from Chriſtianity.* We have indeed a Statute about Baniſhing Diſſenters, but no *Ithacius*, that I know of, who ever ſupplicated for the Making, or for the Execution of it, but onely for Retaining of it as a due Curb for men too prone to Faction and Sedition. And ſo it lies ſtill dormant in the hands of his moſt *Gracious Majeſty*, and may it ever doe ſo.

§. X. 2. This Treatiſe ſerves to juſtifie us in, and to provoke us to the uſe of any lawfull means for the avoiding of theſe Puniſhments. They who exhort us in this Exigence to truſt to Providence, muſt know that *Providence doth not exclude, but rather doth require, and ſuppoſe the uſe of any honeſt means for the prevention of impendent Dangers*; for we can have no reaſon to expect that Providence ſhould ſupernaturally engage for the immediate Accompliſhment of that which may be done by Divine Bleſſing upon ordinary means. Firſt therefore we muſt uſe the Means; then pray that Providence would bleſs,

and countenance, and render prosperous our just Endeavors in this kind; and when we have performed our utmost to prevent Dangers in a lawfull way, and find that our Attempts prove frustrate, then onely is the time to trust to Providence without subordinate endeavors.

Now what Means may be lawfully pursued, according to the Constitutions of this Kingdom, for the preventing this aboding Evil, *Divines* should not presume too nicely to determine, who do then chiefly deviate when they do meddle *extra Sphæram Theologiæ*; it rather doth become them to leave this Matter to those Persons whose Business and Office it professedly is to be skilfull in the Laws, and who may rationally therefore be presumed men better qualified to pass a Judgment in this Case. This notwithstanding I may safely say, That what no Law of Nature or positive Command of God forbids, may lawfully be done, and is expedient to be done, for Preservation of the Souls and Bodies of a whole Community, and their succeeding Generations from the worst of Evils.

§. XI. 3. This Treatise may be usefull to quicken us, by a due apprehension of this so barbarous Religion and inhumane Doctrine, to labor to prevent it by our most serious Reformation, and most importunate Addresses to the Throne of Grace; or, if the Providence of God sees fitting, for the Punishment of our Iniquities, to give us up to this tremendous Judgement, to let us see what need we shall then have of the most perfect Patience and undaunted Courage, the most unshaken Faith and stedfast Resolution to undergoe the Fiery Trials, to which we may expect

to

to be expoſed, if we continue firm to our Religion. For if the Providence of God ſhould, for our crying Sins, permit our *lawfull Prince* to be perverted to the *R. Faith*, and poiſoned with theſe bloudy Principles, I declare to all the World, that *Chriſtianity*, and our own *Oaths* both of *Allegiance* and *Supremacy* engage us, upon pain of everlaſting Ruin, not to lift up our hands againſt him; that all who do reſiſt him muſt *reſiſt God's Ordinance*, and ſo *receive damnation to themſelves*; that all who uſe the *Sword* without Commiſſion from him, take it, and *they who take it*, though in Defence of me, ſaith *Chriſt*, *ſhall periſh by it*. In this caſe therefore I freely do acknowledge with *L'Eſtrange*, we have no other choice before us but either to ſuffer the higheſt degree of Miſery that can befall us in this World, or elſe to proſtitute our Souls for the ſaving of our Lives and Fortunes; and I do make with him this publick Profeſſion to the World, that, *though I have as little mind to be under the Government of an Engliſh Papiſt as any mortal, and would doe all that I could juſtifie as a Chriſtian and an honeſt man to avoid it, yet, ſince I can no more chuſe my Governor than my Father, and that I may as well renounce my duty to the one upon the ſcore of Religion as to the other, I am reſolved to pay the duty of a Subject to what* (Legal) *Prince ſoever the all-ruling Providence of God ſhall ſet over me, and patiently to ſuffer where I cannot conſcientiouſly obey.* And I conjure all reformed *Chriſtians*, if ever they lye under theſe unhappy Circumſtances, not to blaſpheme their Holy Calling, or caſt a Scandal on the *Reformation* by any Mutinies or Inſurrections againſt *God's Vicegerent*, which will aſſuredly incenſe the Wrath of God ſtill more againſt them, prolong their Miſeries, and make their temporal

Rom. 13. 1, 2.

Matth. 26. 52.

Character of a Papiſt, &c. p. 3.

p. 13.

poral Calamities be a ſad *Prologue* to eternal, but that they would reſolve to ſuffer as becometh *Chriſtians*, and to commit their Cauſe to him that judgeth righteouſly.

§. XII. 4. This Treatiſe may be inſtrumental to prevent being gull'd and deluded by fair words and ſpecious promiſes, and by vain hopes of Freedom from theſe dreadfull Miſeries, if this Religion ſhould prevail; there being nothing in the World more inconſiſtent with the avowed Principles of *Papery*, nothing more contrary to the continual Practice of the *Church*, and to the Oaths and Obligations of the Members of it, than to permit the *Heretick* to ſcape theſe ſad and direfull Effects of their inhumane Cruelty. And whatſoever *Prince* neglects to execute theſe Puniſhments on any other ſcore but thoſe of Policy, muſt ſolemnly condemn the Conſtitutions of thoſe *General Councils* which are the ſole Foundations of his Faith; he muſt believe the *Church* of *Rome* not onely Fallible, but Falſe in her Determinations, and guilty of more Murther and Barbarity than all the *Heathen Emperors* were guilty of in the Ten *Perſecutions*. He muſt continue in, and own that *Church* to be the onely *Church* of *Chriſt*, which yet he doth believe to be the vileſt *Church* on Earth, and guilty of the greateſt Crime imaginable.

Ibid. p. 42, 43. Mr. *L'Eſtrange* takes care to tell us that *Henry the Fourth of France did not exerciſe one act of Tyranny over his Proteſtant Subjects.* But he forgot to tell us that he was firſt depoſed, and then ſtab'd for his remiſneſs in that matter: He was twice depoſed by *Gregory* the Fourteenth, *A. D.* 1591. by *Clement* the Eighth, *A. D.* 1592. as being a *Favorer of Hereticks*,

Spond. *To.* 2, *p.* 868. §. 4. *p.* 875. §. 4.

and,

and, by the continual Rebellions and Defections of his *R. Catholick Subjects*, he was forced, for Quietneſs ſake, to turn *Papiſt*, *A. D.* 1594. And yet, becauſe he was indulgent towards *Hereticks*, his Life was attempted the ſame year by *John Caſtel*, belonging to the *Jeſuits*; by a *Monk*, *A. D.* 1600. and he was at laſt ſtab'd by *Ravilliac*.

And, becauſe others frequently object the like Example of the Indulgence of the *French King* towards the *Hugonots*, to what I have already anſwered, Section the Ninteenth of this Treatiſe, I add, 1. That from the beginning of the Thirteenth, till the middle of the Sixteenth *Century* all *Europe* hath ſcarce equall'd the Severity of *France* for *Perſecutions* of this kind, or frequency of *Councils* making Laws for the Deſtruction of the *Heretick*, as in this Treatiſe you will find. 2. The Author of *The Policy of the Clergy of France* informs us that *their Princes have not loſt the Deſign of deſtroying Hereticks, though Prudence hath obliged them for the preſent to ſuſpend it*, becauſe it could not be done by them without great Danger. And *Bellarmin* himſelf will grant, *Non eſſe Hæreticos Bello petendos quando ſunt fortiores nobis*; That *Hereticks* may be ſpared when they are ſtronger than the *R. Catholicks*, and it is to be feared that more of them might periſh than of us: And this is all the Lenity that ever was allowed by the *Church* of *Rome* towards the *Proteſtant*. If any man can ſhew me, 1. That any of the Laws here mentioned have been condemned, abrogated or relaxed by the *Church* of *Rome* or the *French Church*; 2. That any *Princes* have been blamed for, or in the leaſt deterred by any of her *Prelates* from executing of thoſe Laws, or even exempted from that Oath which, ſaith the *Pope*, doth

p. 13.

Since my writing of this the French King *hath anſwered this Objection with a vengeance.*

doth bind them to extirpate *Hereticks*, or that by any *Council* of the *R. Church* they ever were permitted to neglect the Execution of them, or that from the Thirteenth to the Sixteenth *Century* any *Prince* escaped the Censures of the *Church* who did neglect to execute them; 3. That any *Country* or *City* hath been rejected from Communion with that *Church* for *Massacring Protestants*, and Killing many *Myriads* of them in cold Bloud; if, 4. It can be made appear that the same *Principles* which do oblige them to receive other Articles of Faith determined by those *Councils* do not oblige them to the Execution of the *Decrees* established by the same *Councils*, or others equally obliging; if, lastly, There be no Design on foot *for the Destruction and Extirpation of a pestilent Heresie which hath long reigned in the North of Europe*: If these things can be evinced; then may we have some little hopes of being kindly delt with by a *Popish Prince*, though he were *zealous to a miracle* for Propagation of the *R. Faith*, and had it in his Power thus to purge his Territories from *Heretical Pravity*.

THE

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miſh Superſtition; *and, if they will not undergo this* Canonical Purgation, *to condemn them as* Hereticks: *they give this Power to them in all Places, and over all Perſons of what Dignity ſoever*, p. 8, 9, 10, 11.

§. VI. *When they are diſcovered and apprehended, they and their* Favorers *muſt be excommunicated, their* Goods *confiſcated, the* Houſes *in which they are found muſt be deſtroyed, their* Perſons *muſt be impriſoned: When they have them in Priſon, they may uſe any* Cruelty *which doth not diminiſh their* Members *or endanger their* Death, *to make them to confeſs their* Errors, *or accuſe others*, p. 12, 13.

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be deem'd a Favorer *of* Hereticks, *and lose his* Dominions, p. 15.

§. IX. *All these* Constitutions *are confirmed by the approved* General Councils *of the* Romish Church, *and are by them extended to* Kings, Emperors, *and* Supreme Governors; *who must lose their* Territories *if they doe it not*, p. 16,17,18,19.

§. X. *These* General Councils *encourage men to butcher* Hereticks, *not onely by invoking the* Secular Arm *against them*, *but also by promising* Remission of Sins *and a* great Reward *hereafter to all that fight against and labor to destroy them*, p. 20, 21, 22.

§. XI. Hereticks *and their* Abettors *must be punished with* Death; *and if after* Death *they appear to have been* Hereticks, *their* Bodies *must be digg'd up*, p. 22,23.

§. XII. *All* Governors *must execute these* Punishments *upon them without delay*, *relaxation or enquiry into the Justice of them*, p. 24.

§. XIII.

§. XIII. *Every* Governor *muſt have a* Copy *of theſe* Laws, *he muſt not alter or diminiſh them, but muſt aboliſh all* Statutes *contrary to them,* p. 24, 25.

§. XIV. *At their* Admiſſion *they muſt ſwear to execute them; and, if they be remiſs in doing it, they muſt loſe their* Office, *be excommunicated, and their* Juriſdiction *interdicted,* p. 25, 26, 27.

§. XV. *They who will not execute this* Sentence *muſt be proceeded againſt by* Eccleſiaſtical Cenſures *as* Favorers *of* Hereticks: *And the* Biſhop *who is remiſs in theſe* Matters *muſt be depoſed from his* Office: *All* Believers, Favorers, Defenders *of them are ſubject to very grievous* Puniſhments, *and muſt be puniſhed as* Hereticks, p. 27, 28.

§. XVI. *Such are they who believe, that they, who by the* Church *of* Rome *are called* Hereticks, *may be ſaved, or that they who proſecute them do offend: The moſt* Infamous Perſon *may accuſe a* Heretick; *And*

the Heretick *must not know who doth accuse him*, p. 28, 29.

§. XVII. *Examples of* Princes *and* Civil Governors *deprived of their* Dominions, *as being* Hereticks, *or* Favorers *of* Heresies, *or remiss in punishing them*, p. 29, 30, 31, 32, 33.

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§. XIX. *No* Popish Prince *can give Security to his Subjects that he will not proceed against them according to these* Laws; 1. *Because, being* Papists, *it may rationally be presumed they will act, according to the Convictions of their Consciences, as such:* 2. *Because they are subject to a* Superior Tribunal *which can overrule their* Promise, *and can absolve them from their* Oaths, *and which hath actually judged, that they ought not to be kept; and because it is an* Unlawfull Promise, *and made concerning a* Spiritual Cause, *in which they must not intermeddle: They who have actually made this* Promise,

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The

The *Errata's* in the Discourse are,

Page 3. lin. 18. th*is*, r. the. p. 9. l. 6. marg. confessa*li*, r. sa*ti*. p. 13. l. 27. received, r. renewed. p. 20. l. 9. confirming, r. confirm*s*. p. 23. l. 2. *Natu*reni, r. *Pat*. p. 37. l. 2. *dele* He. p. 44. marg. l. 13. fungeba*n*tur, r. batur. p. 60. marg. emittimus, r. *com*mitt. p. 67. l. 13. manly, r. man*fully*.

In the Preface,

Page 3. l. 24, 25. the Church, r. the *R*. Church. p. 10. l. 1. overthrow r. threw. p. 20. l. 24. another, r. another*s*. p. 46. l. 11. the Ch. r. tha*t* Church.

A DISCOURSE Concerning the LAWS Eccleſiaſtical and Civil Made againſt HERETICKS BY *POPES, EMPERORS,* &c.

MANY of late have excellently diſcourſed of thoſe Doctrines of the *Romiſh Faith*, which, when believed and practiſed, muſt be highly prejudicial to, or be ſufficient to diſturb all civil Governments; and have demonſtratively proved, that men whoſe Conſciences are guided by the *Romiſh Caſuiſts*, or who have heartily embraced the *Principles* of that *Religion*, can give us no ſecurity that they will not diſturb the Government by which they are protected: But few (if any) have of late made it profeſſedly their buſineſs to ſpeak of what may be expected by ſuch as they are pleaſed to call *Hereticks*, when they are ſo unhappy as to be ſubject to a *Prince* who hath embraced the *Romiſh Faith*, and

to a *Clergy* which doth own the *Principles* of that *Communion*; which being in this preſent Juncture of Affairs a moſt important Subject, I hope it will not ſeem either unſeaſonable or unprofitable to diſcourſe briefly on that head. Now what ſuch perſons may expect to ſuffer we may learn from what already hath been decreed by them concerning *Hereticks*, and what they have already practiſed.

§. I. The *Laws Eccleſiaſtical and Civil* made againſt *Hereticks*, by *Popes*, *Kings*, *Emperors*, and *Councils*, may be reduced to theſe Heads; 1. Laws made for the Preſervation of the Members of the *R. Church* from falling into that which they call *Hereſie*; 2. The Laws made for the Diſcovery of *Hereticks*, their Favourers, Abettors, or ſuch as they ſuſpect to be inclinable to *Hereſie*; now they are either ſuch as do empower Perſons to be active in enquiring after them, and do encourage them to make Diſcoveries of this nature, or ſuch as lay an Obligation on them to be diligent in making theſe Enquiries and Diſcoveries, and upon others to aſſiſt them in ſo doing. Or, 3. Laws which concern the Puniſhment of *Hereticks* diſcovered ſo to be, and the Engagement which they lay upon men to execute theſe Puniſhments upon them.

§. II. And, 1. So conſcious are the *Romiſh Prelates* of the groſs Abſurdity and the apparent Folly of their own Doctrine, and the plain Contradiction that it bears, in many of its *Articles*, to Scripture and the cleareſt Reaſon, that they dare not permit the meaneſt members of their *Church* to look into the *Scripture*, or make Inquiry or Search into the *Articles* of their

their Faith; or truſt a Child of twelve years old without an *Oath* to bind him firm unto their *Superſtitions*.

And therefore, 1. It hath been decreed by many of their *Councils*, *That all Males at fourteen, and Females at twelve years of Age, ſhall abjure all Hereſie extolling it ſelf againſt the Holy Catholick R. Church and Orthodox Faith, and ſhall ſwear alſo, that they will hold the Catholick Faith which the Roman Church teacheth and holds.* This is determined by a *Council* of many *Biſhops* and *Prelates* met at *Toloſe* in *France*, *An. D.* 1229. *Can.* 12. by a *Council* held at *Beziers*, *A.D.* 1246. *Can.* 31. by a *Council* of many *Biſhops* and *Prelates* held at *Alby* in *France*, *Can.* 11, 12. Moreover this *Oath*, by the Decrees of the *Council* of *Toloſe* and *Alby* is to be renewed upon them every two years. And, "All that do come in, and "confeſs their *Hereſie*, muſt take the ſame *Oath*, ſaith this *Council* of *Beziers*, *Can.* 5.

Concil. To. XI. part. 1. *p.* 430. *p.* 693. *p.* 722, 724, 725.

Ibid.

2. "All *Conſuls*, *Governours of Caſtles*, *Authorities*, "and *Barons*, muſt be compelled by *Eccleſiaſtical Cen-* "*ſure* to abjure *Hereticks*, with the *Favourers* and *A-* "*bettors* of them, ſaith the *Provincial Council* of *Narbon*, *Can.* 15.

Concil. To. XI. p. 308.

3. "No *Lay-man*, upon penalty of *Excommunica-* "*tion*, muſt diſpute publickly or privately touching "the *Catholick Faith*, ſaith *Nicholas* the Third, *Conſt.* 2. §. 19.

Bullar. *Rom. To. I. p.* 182.

4. "No *Lay-man* muſt have any Books of the *Old* "or *New Teſtament*, except the *Pſaltery*, the *Brevi-* "*ary*, and the *Hours of the Bleſſed Virgin* (three New Teſtament Books of the *Roman Edition*) "any of "which they muſt by no means have in the *Vulgar* "*Tongue*, ſaith the *Council* of *Toloſe*, *Can.* 14.

Concil. To. XI. p. 430.

And ſurely ſuch unworthy Arts do give juſt Rea-

ſon to all conſidering perſons to ſuſpect the Truth of that *Religion* which needeth thus to be ſupported by *Oaths* and *Abjurations* made by *Children*; by ſtopping of mens mouths, and not permitting them to
1 Pet. 3. 15. ask that *Reaſon of their Faith* which all men are obliged by their *Chriſtianity* to be *in readineſs to give to all that ask it*; and by withholding of thoſe Scrip-
2 Tim. 3. 15. tures of the Old Teſtament *which are able to make them wiſe unto Salvation*; which by the Law of *Mo-*
Deut. 6. 7. *ſes* were to be continually read unto, continually talk'd of by the People; to which they, by the *Pro-*
Eſa. 8. 20. *phets*, were adviſed to go, and by which to paſs Judgment on thoſe who ſpake unto them of Religi-
Joh. 5. 39. ous matters; which our Lord doth enjoin them both
2 Tim. 3. 15. to hear and *ſearch*; as alſo his Apoſtles did, commending them who *from their youth had known*, and who
Act. 17. 11. upon occaſion *ſearch the Scriptures*; and alſo thoſe of the *New Teſtament*, which were on purpoſe writ in the moſt vulgar Language of the *World*, that all
2 Cor. 3. 12. might know them, and in *great plainneſs of ſpeech*, that they might underſtand them; and which were left to be a *Rule* of Faith and Manners to all ſucceeding *Generations*, which the *Primitive Fathers* do vehemently commend to the peruſal of all *Chriſtians*, and which the *Heathen Perſecutors*, as fiercely as the *Roman Catholicks*, did ſtrive to wreſt out of their hands.

§. III. 2. If notwithſtanding all this Care to keep them ignorant and blind, ſome by the ſtrength of natural Reaſon and *Religion*, and others by converſing with men of better Principles, or reading that ſo peſtilent, and therefore carefully forbidden Book, the *Word of God*, come to the knowledge of his Truth, and be convinced

convinced of the *Superſtitions* and *Follies* of the *Roman* Doctrines, and ſo become, according to their notions, *Hereticks*. 1. All imaginable Care is uſed that they may not eſcape their *Helliſh* Cruelty, nor find a corner in *Villages* or *Woods*, *above* or *under ground*, which may preſerve them from their Fury. And therefore,

2. For the better diſcovering and apprehending of *Hereticks*, and thoſe who favour and abet them, or are ſuſpected of theſe matters, they have theſe following Perſons authoriſed for that Work.

1. *Inquiſitors of Heretical Pravity* conſtituted by his Holineſs for that End. *v. Leg.* Fred. 2. *Concil. To. XI. p. 619.*

2. *All Archbiſhops and Biſhops in their reſpective Provinces and Dioceſſes, with their Officials and Vicars.* And, The Bull of *Martin* the Fifth publiſhed with the conſent and approbation of the general Council of *Conſtance* begins thus, Martinus *Epiſcopus — Archiepiſcopis, Epiſcopis ac Inquiſitoribus Hæretica Pravitatis ubilibet conſtitutis.* Bin. To. 7. p. 1119.

3. *Abbots within their Precincts.* And,

4. For the Aſſiſtence of theſe perſons, "every *Go-*
"*vernour* or *Magiſtrate* throughout *Lombardy* and *I-*
"*taly* is bound to keep *twelve honeſt men, two Nota-*
"*ries, and as many Servants as the Biſhop, or two of*
"*the Brethren Inquiſitors ſhall think fit*, who ſhall be
"bound to ſearch after, apprehend *Hereticks*, or *Concil. To. XI. p. 605.*
"bring them within the power of the *Dioceſan*, or Bullar. *Rom.*
"his *Vicars*, and to require all perſons to aſſiſt them *To. 1. p. 173.*
"in ſo doing. *Conſtit.* Innocentii *Quarti, cap.* 3, 4. Clem. 4. *Conſt.* 13. *Leg.* 3.

Theſe are the perſons authoriſed by as good Authority as the *Court* and *Church* of *Rome* hath any, to diſcover and apprehend the *Heretick* and his *Abbettors*. And their Commiſſion is exceeding large. For,

§. IV. 1. "If the *Bishop*, his *Vicar*, the *Inquisitor*, "or these 12 *Officers* require it, the *Magistrate* must "assist them in enquiring after, taking and spoiling "*Hereticks*, by sending Souldiers with them; this "must be done by *Cities* under the Penalty of 100 *li.* "by *Villages* under the Penalty of 50 *li.* by private "persons under the Penalty of 25 *li. Const.* Innoc. *IV. cap.* 19. By the Constitutions of *Clement* the Fourth every Governour and private person is bound to assist the *Inquisitors* and *Officials* of the Bishop and his *Visitor* to apprehend *Hereticks*. *Const.* 13. *L.* 18.

Concil. To. XI. p. 606.

Bullar. Rom. To. I. p. 174.

Concil. To. XI. p. 608.

2. "They also have Powet to compell all the "neighbourhood to swear, that if they know of any "*Hereticks*, or any that keep *secret Conventicles*, or "any that believe, defend, receive or favour *Here-*"*ticks*, they will endeavour to give notice of them "to the *Inquisitors* appointed by the *Apostolick See. Const.* Innoc. *IV. cap.* 30. The Council of *Tolose*, *Can.* 1. decrees, "That the *Archbishops* and *Bishops* shall, "in every *Parish* within their *Cities* and without, "bind one *Priest*, and two or three honest *Lay men*, "or more, if that be needfull, by their Oaths, that "they will diligently, faithfully and frequently en-"quire after *Hereticks* in the said *Parishes*, by sear-"ching any houses or subterraneal receptacles that "may give suspicion of them; and if they find any "*Hereticks*, *Believers*, *Favourers*, *Receivers* or *De-*"*fenders* of them, they will secure them, that "they may not fly, and then with all speed give "intimation of them to the *Archbishop*, *Bishop*, *Lord* "or *Bailiff* of the Place. This Decree is renewed by the Provincial Council of *Beziers* held *An. Do.* 1246. *Can.* 34. by the Council of *Alby*, *Can.* 1. p. 722. by the

Ibid. p. 428.

Vide simile Statutum H. Chichley, *Cant. Archiepiscopi, ed. A.D.* 1416. Spel. *Concil. To. II. p.* 672.

Ibid. p. 694.

the Council of *Arles*, *A. D.* 1234. *Can.* 5. the Council of *Saltzburgh* held *A. D.* 1420. commands "all "persons under the penalty of Excommunication "and eternal Death, as soon as they know that any "*Heretick* is in their Territories, to reveal them to "their *Superiors*; and all *Magistrates*, when the *Inquisitors* give notice of them, are bound under the "same Penalty to apprehend, imprison and deliver "them to the *Inquisitors*. *Can.* 32. And by the Constitutions of *Nicholas* the Third, directed to all *Christians*, they are liable to *excommunication* who neglect to do so. *p.* 2341. *To.* 13. *p.* 325. Bullar. *Rom. To.* 1. *p.* 182.

3. "The Lords of Territories must be solicitous to "enquire after *Hereticks* in their Houses and Woods, "and to destroy their Hiding-places. *Concil. Tolos. Can.* 3. *Stat.* Raimundi, *Com. Tolos. Concil. Albiense*, *Can.* 4. *p.* 723. "They must assist the Ordinary in ta- "king them, under the Penalty of Excommunicati- "on. *Concil. Paris. A. D.* 1346. *Can.* 4. *Concil. To. XI. part.* 1. *p.* 449. *p.* 427. *Part.* 2. *p.* 1912.

4. "All *Earls*, *Barons*, *Rectors*, and *Consuls* of *Ci- "ties*, and other secular Powers, bearing any Office "whatsoever, must be admonished by the *Diocesan* "to swear, that they will faithfully and efficaciously "assist the *Church*, according to their Power and Of- "fice, against *Hereticks* and their *Accomplices*, and will "use their utmost diligence therein, and, if it be "found necessary, they by *Church Censures* must be "compelled so to doe, saith the Council of *Beziers*, *Can.* 9. the Council of *Alby*, *Can.* 20. *pag.* 726. the Provincial Council of *Narbon*, *Can.* 32. And suitably to this, the *Canon Law* determines, That "all "*Earls*, *Barons*, *Rectors* and *Consuls* of *Cities*, and "other places, shall, at the Admonition of the *Bishops*, "engage themselves by Oath, that, being required "by *Part.* 1. *p.* 679, 630. *p.* 693, 694. *Decretal. l.* 5. *tit.* 7. *cap.* 9. *par. statuimus.*

" by them, they will faithfully and efficaciouſly help " the *Church*, according to their Office and Power, " againſt *Hereticks* and their *Accomplices*.

§. V. Nor are theſe onely the Decrees of *Popes*, and *Emperors*, and of *Provincial Councils*, but many of them are confirmed by their approved *general Councils*. For,

1. The fourth general Council of *Lateran* aſſembled *A.D.* 1215. *Can.* 3. (a) decrees that, " all *Archbiſhops*, by " themſelves or their *Archdeacon*, or by ſome fit and honeſt " perſons, twice, or at the leaſt " once a year, ſhall viſit their " own *Pariſhes*, in which it is " reported that any *Hereticks* " do dwell; and ſhall compel " three or more men of good " report, or if it ſeem expedi- " ent to them, the whole neigh- " bourhood, to ſwear that if any of them know of " any *Hereticks* there, or of any that keep ſecret " *Conventicles*, or that differ in their Lives or Man- " ners from the common Converſation of the Faith- " full, they will endeavour to acquaint the *Biſhop* " with them. The general Council of *Conſtance*, that is, *Martin* the Fifth, (b) *with the conſent and approbation* of that *Council*, (c) commands " all " *Archbiſhops*, *Biſhops*, *Inquiſi-* " *tors*, *Commiſſaries*, or *Elect* " *perſons*, by virtue of their o- " bedience,

(a) *Adjicimus inſuper, ut quilibet Archiepiſcopus, vel Epiſcopus, per ſe aut per Archidiaconum ſuum, vel idoneas perſonas honeſtas, bis, aut ſaltem ſemel in anno, propriam Parochiam, in qua fama fuerit hæreticos habitare, circumeat: & ibi tres vel plures boni teſtimonii viros, vel etiam, ſi expedire videbitur, totam vicinitam jurare compellat, quod ſi quis ibidem hæreticos ſciverit, vel aliquos occulta conventicula celebrantes, ſeu à communi converſatione fidelium, vita & moribus diſſidentes, eos Epiſcopo ſtudeat indicare.* Concil. To. XI. part. 1. p. 152.

(b) *Diſcretioni veſtræ, ſacro approbante Concilio* Conſtantienſi, *per Apoſtolica Scripta committimus & mandamus.* Concil. *Conſt. Seſſ.* 45. Bin. *To.* 7. *p.* 1120.

(c) *Vobis, & aliis omnibus Archiepiſcopis, Epiſcopis & Electis ac Commiſſariis, & Inquiſitoribus, virtute ſanctæ obedientiæ præcipimus*

" bedience, that every of them, " within their limits or places " of their Juriſdiction, diligently " do watch for the extirpation " and correction of all Errors " and *Hereſies*. And whereſo- " ever they find any that are in- " famed or ſuſpected to be guil- " ty of thoſe Crimes, to com- " pel them under the Penalty " of excommunication, ſuſpen- " ſion, interdict or confeſſion " of the crime, or any other " more formidable puniſhment *canonical* or *legal*, to " take a corporal Oath upon the *Evangeliſts*, the *Re-* " *liques* of the *Saints* or a *Crucifix*, to anſwer to the " *Queſtions* they ſhall ask them. Now the *Queſtions*, among many others, are theſe following, *viz.*

& mandamus, ut quilibet eorum, infra limites & loca ſuæ Juriſdictionis, —— circa exſtirpationem & correctionem errorum & hæreſum, —— in favorem ipſius fidei orthodoxæ diligenter invigilent, & omnes infamatos ſeu ſuſpectos de tam peſtifera labe ſub confeſſali criminis, excommunicationis, ſuſpenſionis, interdicti, aut aliâ formidabili pœnâ canonicâ, vel legali, prout, quando, & quemadmodum eis videtur expedire, & facti requireret qualitas, per juramentum corporaliter præſtitum, tactis ſacroſanctis Evangeliis, ſeu ſanctorum reliquiis, imagine crucifixi, ſecundum quorundam locorum obſervantiam, juxta infra ſcripta interrogatoria, ad quemlibet Articulum convenientia reſpondere compellant. Concil. Conſtant. Seſſ. 45. *Bin.* To. 7. p. 1121.

1. " Whether they think it lawfull that ſuch an *Pag.* 1124. " Oath ſhould be impoſed upon or taken by them " for their Purgation, (*i.e.*) an Oath *ex officio*, obliging them to condemn themſelves.

2. " Whether they hold it a mortal Sin to be guil- " ty of *Perjury*, though it be to ſave their Lives, or " for the advantage of the Faith. This may be done by *Catholicks*, but muſt not be done by *Hereticks*.

3. " Whether he believes, That, after the Con- " ſecration of the *Prieſt*, in the Sacrament of the " Altar, under the Elements of the Holy Bread and " Wine, there remains no material Bread and Wine, " but the ſame *Chriſt* entirely, who ſuffered on the " *Croſs*, and ſits at the right-hand of the Father.

4. " Whether he believes, That, the Conſecration " being made by a *Prieſt* under the ſpecies of Bread

" alone, and without the ſpecies of Wine, there is " the true Fleſh, and Bloud, and Soul, and *Deity* of " *Chriſt*, and whole *Chriſt*, (in his broken body) " and the ſame *Chriſt* abſolutely, and under every " one of the ſpecies in particular, (*i. e.*) whether there be one *million* of *Chriſts*, and yet but one.

5. " Whether he believes, That the Cuſtom of " communicating *Lay-men* in the ſpecies of Bread a- " lone, —approved by this Holy *Council*, be to be " obſerved, ſo that it is not lawfull to change it with- " out the *Authority* of the *Church*, (*i. e.*) whether he hold that the *Council*, forbidding what *Chriſt* commands, is to be obeyed before *Chriſt*.

Pag. 1125. 6. " Whether he believes, That the *Pope*, being *ca-* " *nonically* elected, is the Succeſſor of St. *Peter*, and " hath *ſupreme Authority* in the whole *Church* of God? with many *Queſtions* of the like nature, containing the whole *ſuperſtition* of the *Church* of *Rome*.

2. (*d*) " If any perſon whom " they ſuſpect to be guilty of " *Hereſie* will not undergo their " *canonical Purgation*, or by a " *damnable obſtinacy* refuſes thus " to ſwear in order to his Pur- " gation, he is to be condem- " ned as an *Heretick*; ſo the 4th general *Council* of *Later.* and the general *Council* of * *Conſtance.*

3. This Power is given to " *Archbiſhops*, &c. throughout all " (*e*) parts of the World where " any *Hereſie* ariſeth, *viz.* to " make theſe Enquiries, and " proceed accordingly; ſo that no

(d) *Si qui vero ex eis juramenti Religionem obſtinatione damnabili reſpuentes, jurare fortè noluerint, ex hoc ipſo tanquam Hæretici reputentur.* Concil. Lat. quartum, Can. 3. Concil. To. XI. p. 152.

* *Qui autem de Hæreſi per Judicem competentem Eccleſiaſticum inventi fuerint ſola ſuſpicione notati, ſeu ſuſpecti, niſi*—*propriam innocentiam congrua devotione monſtraverint, in purgatione eis canonicè indictâ deficientes, & ſe canonicè purgare non valentes, aut pro hujuſmodi purgatione facienda obſtinatione damnabili jurare renuentes, tanquam Hæretici condemnentur.* Concil. Conſt. Seſſ. 45. *Bin.* To. 7. p. 1121.

(e) *Tam ad Regnum* Bohemiæ, *& convicinas illi, quàm alias quaſlibet partes in quibus hæc ſuperſtitioſa doctrina quomodolibet pullaverit.* Ibid.

no *Countrey*, where this *Religion* doth obtain, can expect any thing but a continual *Butchery* of all that will not be moſt groſs *Idolaters*. And,

4. They command their (f) Officers "to proceed againſt, "and to condemn as *Hereticks*, "all perſons of whatſoever "Dignity, Office, Preeminence, "State and Condition they "ſhall be, and by what names "ſoever they are called, who "think otherwiſe of the Sacra"ment of the Body and Bloud "of *Chriſt*, or of *Baptiſm*, or "of *Confeſſion* of Sins, or *Pe*"*nance*, or any other Sacra"ments, or Articles of Faith, "than the *H. Roman Church* and *Univerſal* teacheth, "and as *Hereticks*, to give them over to the Civil "*Magiſtrate. Concil. Conſtan. ibid.* And,

5. They renew the Conſtitution of (g) *Boniface* the Eighth, concerning the *Inquiſition*, "requiring and commanding all *Powers*, and *Lords* "temporal, and *Judges*, of "whatſoever Dignity, Name "or Office, as they deſire to "be reputed *Chriſtians* and "Sons of the *Church*, and to "glory in the Name of *Chriſt*, "that they obey, and attend "theſe *Inquiſitors*, and other "*Eccleſiaſtical perſons* deputed,

(f) *Mandamus quatenus vos Archiepiſcopi, Epiſcopi, & Electi, & quilibet veſtrum, per ſe ſeu alium, vel alios, quos graves & idoneas perſonas ſpiritualem Juriſdictionem habentes eſſe volumus, omnes & ſingulos cujuſcunque dignitatis, officii, præeminentiæ, ſtatus vel conditionis exiſtunt, & quibuſcunque nominibus cenſeantur, qui de præexcelſo——Sacramento corporis & ſanguinis Domini noſtri* Jeſu Chriſti, *vel de baptiſmate, ſeu peccatorum confeſſione, pœnitentiæ pro peccatis, injunctione, vel reliquis Eccleſiaſticis ſacramentis, ſeu fidei articulis, aliter ſentire aut docere quàm ſacroſancta R. Eccleſia & univerſalis docet, prædicat & obſervat, ——tanquam Hæreticos judicetis, & velut Hæreticos ſeculari curiæ relinquatis.* Concil. Conſtant. Seſſ. 45. apud *Bin.* To. 7. p. 1120.

(g) *(Conſtitutionem) Felicis Recordationis* Bonifacii *Octavi, quæ incipit, ut Inquiſitionis negotium, renovantes, & etiam exſequentes, univerſos Poteſtates, & Dominos temporales, & Judices antedictos, quibuſcunque dignitatibus, vel officiis, ſeu nominibus cenſeantur, exhortando requirimus, & mandamus eiſdem, ut ſicut reputari cupiunt, & haberi fideles, ac filii Eccleſiæ nuncupari, & in* Chriſti *nomine gloriari ita pro defenſione Fidei vobis Archiepiſcopis, Epiſcopis, & Electis, ac Inquiſitoribus hæreticæ prævitatis, & aliis Judicibus ſeu perſonis Eccleſiaſticis per nos ad hoc——deputandis, fidem & communionem Sanctæ Matris Eccleſiæ tuentibus pareant & intendant, præſteánque auxilium & favorem, in hæreticorum, necnon credentium, fautorum, receptatorum, & defenſorum ipſorum inveſtigatione, captione, cuſtodia di-*

ligenti, cum ab iisdem fuerint requisiti. Ibid. p. 1121. Vid. Sexti Decretal. l. 5. tit. 2. c. 18.

" or hereafter, by the *Apostolical* " *See*, to be deputed, for the " finding-out and punishing of *Hereticks*, affording " them their aid and favour in finding-out, apprehen- " ding and imprisoning them, and all that do believe, " favour, receive or defend them. And so much for the Laws made for inquiring after *Hereticks*.

§. VI. 3. The Laws which do concern the Punishment of *Hereticks*, when they are once discovered and apprehended, are either such as do declare what Punishments shall be inflicted on them; or such as do oblige men to inflict those Punishments upon them. Now the Punishments which by their Laws must be inflicted on them are these following, *viz.* *Excommunication*, *Confiscation of their goods*, *Imprisonment*, *Exile*, *Death*. Concil. Bitter. *An. Dom.* 1246. *Can.* 2. And,

Concil. To. XI. p. 688.

1. " They must be *excommunicated*, with all their " *Favourers*, every week, saith the *Council* of *Beziers*, *A. D.* 1233. *Can.* 1. and *An. D.* 1246. *Can.* 8. And the *Council* of *Alby*, *Can.* 19. They are actually *excommunicated* saith their *Canon Law*. This Sentence doth pass upon them yearly in the *Bulla Cœnæ*.

Pag. 457. *Pag.* 679. *Pag.* 726. *Decretal. l.* 5. *Tit.* 7. *c.* 13.

2. They must lose all their Goods.

For (1.) whosoever apprehends them (which all have liberty to do) hath free leave to take from them all their Goods, and full right to enjoy them. *Const.* Innocentii *IV. cap.* 2. And this Punishment, saith *Innocent* the Third, " we command to be exe- " cuted on them by the *Princes*, and *Secular Powers*, " who shall by *Ecclesiastical Censures* be compelled " thereunto.

Concil. To. XI. p. 605.

7. *Decretal. l.* 5. *Tit.* 7. *cap.* 10.

Moreover, after the Sentence is pronounced against

gainſt them, "their Goods, if they have any ſtill re-
"maining ſhall be all confiſcated, and never ſhall
"return unto them. *Conſt.* Fred. 2. *Concil. Bitterrenſe, Can.* 3. *p.* 678. *Statuta* Raimundi, *Com. Toloſ. pag.* 449, 450. *Concil. Arelat. A. D.* 1234. *Can.* 5. *p.* 2341. *To. XI. p.* 622.

"The very Houſe in which the *Heretick* is found
"muſt be deſtroyed and never built again, and the
"ground muſt be confiſcated, and ſo muſt all the o-
"ther Houſes contiguous to it, if they belong to
"the ſame perſon, (unleſs it appear to the *Inquiſi-*
"*tors* that the *Lords* of them were wholly inculpa-
"ble) and all the Goods of them muſt be ſold, or
"become his that takes them. Innocent. 4. *cap.* 26. *Ibid. p.* 607.
Clem. 4. *Conſt.* 13. *Leg.* 25, 26. *Concil. Toloſ. Can.* 6. *p.* 428.
Concil. Bitterr. Can. 35. *p.* 694. *Concil. Albien. Can.* 6. *p.* 449.
p. 723. *Stat.* Raimundi *Comit. Toloſ. Concil. provinc.* 450.
Narbon. Can. 35. *p.* 694.

3. They are to be impriſoned without delay.

And when they have them thus in hold, the *Governour* is, by the Conſtitutions of Pope *Innocent* the Fourth, obliged "to compell them by any Puniſh-
"ments which do not diſmember them, or endanger
"their death, expreſly to confeſs their Errors, and to
"accuſe all other *Hereticks* they know of, and the
"*Believers*, *Receivers*, or *Defenders* of them, and to
"tell where their Goods are. *Conſt.* Innocent. 4. *cap.* 25. Which Conſtitution is received by *Clemens* the Fourth, *Conſt.* 13. *Leg.* 24. and is the ground of all the *Helliſh Cruelties* which thoſe poor Creatures meet with in the *Inquiſition*.

Citra diminutionem membri, mortis periculi To. 11. p. 60

Bullar. *R. To. p.* 174.

§. VII. 4. They muſt be baniſh'd, exterminated, or driven out of all places where they are. For the *Council* of *Cologne* commands "all that are ſubject to
"it

Concil. To. 12

" it to rise up against *Hereticks*, their *Favourers* and " *Receivers*, and faithfully to procure their Extermi- " nation. *Can.* 9. *A. D.* 1425. *p.* 363, 364. And in order hereunto,

1. All secular Powers must swear to expel *Here-*
o. XI. p. 622. *ticks* out of their Dominions. The Constitutions of the Emperour *Frederick* the Second run thus, " We " make a perpetual Decree, That the *Officers*, *Con-* " *suls*, *Rectors*, whatsoever Office they enjoy, shall, " in defence of the Faith, take a publick Oath, That " they will honestly endeavour with their utmost " power to expell all *Hereticks*, as such condemned
id. p. 423. " by the *Church*, out of their Territories. And all " that shall be admitted hereafter to any place of Go- " vernment temporal or perpetual, shall be bound to " take this Oath, or lose his Government. *Ludovicus* the Seventh, *King* of *France*, with the advice of his
ncil. To. XI. Nobles, sets forth his *Edicts* against *Hereticks*, " com-
123, 424. " manding all his *Barons*, *Bailiffs*, and other Sub- " jects present and future, to be solicitous and intent " to purge their Territories from *Hereticks* and *he-* " *retical* Filth, and to swear to the observation of this " and all the other Statutes made against them. They " must swear to doe their endeavours to exterminate " out of their Dominions all *Hereticks*, *Believers*, *Re-* " *ceivers*, *Favourers*, or *Defenders* of them, saith the
p. 726. *Council* of *Alby*, *Can.* 20. The *Council* of *Arles* gives
cil. To. XI. power to the *Bishop* to compell them by *Church Cen-*
2. p. 2340. *sures* to take this Oath. *Can.* 3. See the like, *Concil. Bitter. Can.* 9. *p.* 679, 680. *Concil. provinc. Narbon. Can.* 32. *p.* 693, 694.

The Constitutions of *Innocent* the Fourth decree, " that every Governour in *Lombardy*, having called
XI. p. 605. " a Common *Council*, shall put forth his *Edict*, to " banish

" baniſh all *Hereticks* from under his Juriſdiction, and " to declare, That none of them ſhall ſtay within his " Juriſdiction. *Conſt.* 2. So alſo doe the Conſtitutions of *Clement* the Fourth, *Conſt.* 13. *Leg.* 2. Now, for the better Execution of this Puniſhment, it is decreed, Bull. *Rom.* To. I. p. 173.

§. VIII. 1. " That if any Governor knowingly permit a *Heretick* to abide in his Dominions he ſhall be " excommunicated. *Concil. Bitterr. Can.* 2. *p.* 677.

2. " That whoſoever, having temporal Dominion, " neglects to proſecute thoſe who by the *Church* are " denounced *Hereticks*, or to exterminate them out " of his *Province* or *Dominion*, is to be deem'd a " grievous *Favourer* of *Hereticks*. *Concil. Narbon. Can.* 15. *Incomparabiliter Reus*, p. 492.

3. " He who knowingly permits a *Heretick* to abide in his *Dominions* ſhall for ever loſe them. " And his Body ſhall be in the Power of his *Lord*, " to doe with him as he ought. *Concil. Toloſ. Can.* 4. *Concil. Bitterr. Can.* 2. *p.* 677. *Concil. Alb. Can.* 5. *p.* 725. *Concil. To. XI.* p. 428.

" If the *temporal Lord* being required ſhall neglect to " purge his Territory from *heretical Pravity*, after one " year elapſed from the time of his Monition, *ſaith the Emperour* Frederick, " we expoſe his Territories " to be ſeized by *Catholicks*, who, having exterminated the *Hereticks*, without contradiction ſhall " poſſeſs it, and preſerve it in the Purity of Faith, " ſo as no injury be done to the right of the *ſuperiour* " *Lord*, who doth not any way oppoſe this Procedure; provided notwithſtanding that the ſame Law " take place againſt them who have no *principal Lords*. *Conſt.* Fred. 2. And this his Conſtitution is confirmed by *Honorius* the Third. *Conſt.* 1. p. 622. Bull. *Rom.* To. p. 90.

§. IX.

§. IX. Now all theſe Conſtitutions of *Popes*, *Kings*, *Emperours*, *Provincial Councils*, are alſo confirmed by the approved general *Councils* of the *R. Church*; and are extended and enlarged by them to *Kings*, *Emperours* and *Supreme Governours*, and ſo they are not onely Conſtitutions of State, or of the *Court* of *Rome*, but alſo of the whole *Church* of *Rome*. For,

1. The Fourth general *Council* of (a) *Lateran* begins the Chapter againſt *Hereticks* thus, "We excommunicate and ana- "thematize every *Hereſie* extol- "ling it ſelf againſt the *H. Or-* "*thodox Catholick Faith*, which we have now ex- "pounded, condemning all *Hereticks* by what names "ſoever they are called. (b) We "anathematize them, their De- "fenders and Receivers, ſaith the Third general *Council* held there.

(a) *Excommunicamus & anathematizamus omnem Hæreſim extollentem ſe adverſus hanc ſanctam orthodoxam Fidem quam ſuperius expoſuimus, condemnantes univerſos Hæreticos quicunque nominibus cenſeantur.* Concil. Lat. an. 3. Concil. To. XI. p. 148.

(b) *Eos & Defenſores eorum & Receptores Anathemati decernimus ſubjacere.* Concil. Lat. tertium. cap. 27.

2. The Third general *Council* of (c) *Lateran* under *Alexander* the Third, the Fourth general *Council* of *Lateran* under *Innocent* the Third, and the general *Council* of *Conſtance* decree that "the Goods of *Here-* "*ticks*, if they be *Lay-men*, ſhall be confiſcated.

(c) *Bona ejuſmodi Damnatorum, ſi Laici erint, confiſcentur.* Concil. Lat. quartum, an. 3. ibid. *Confiſcentur eorum bona, & illorum ſit Principibus ejuſmodi homines ſubjiceſervituti.* Lat. tertium, cap. 27. *Bona ipſorum, à tempore commiſſi criminis, ſecundum canonicas Sanctiones confiſcata.* Concil. Conſt. ſeſſ. 45. *Bin.* To. 7. p. 1121.

3. They decree that "the *Temporal Lords*, being required by the *Inquiſitors*, *Archbiſhops*, *Biſhops*, &c. (d) "ſhall "within their Juriſdictions, "without delay, impriſon *Hereticks*,

(d) *Ut præfatas perſonas peſtiferas — in eſtatem, ſeu carcerem — infra eorundem Dominorum poteſtatem, ſeu judicum diſtrictum capi, vel duci faciant, ſine mora, ubi per vos Catholicos — ſub arcta & diligenti*

" *reticks*, and cauſe them to be " kept in cloſe cuſtody, by put- " ting them into Fetters and I- " ron Chains, till the *Church* " hath paſſed ſentence on them; and not * freeing them from priſon without the Licenſe of the *Biſhop* or *Inquiſitors*. And,

cuſtodia, nè fugiant ponendo eos etiam compedibus & manicis ferreis, teneant, donec eorum negotium per Eccleſiæ judicium terminetur. Concil. Conſt. Seſſ. 45. *Bin.* To. 7. p. 1121.

* *Vide Sext. Decretal. l. 5. tit. 2. c. 18.*

4. They decree that the (e) " Secular Powers, what " Offices ſoever they enjoy, " ſhall be admoniſhed, and, if " need be, compelled by *Eccle-* " *ſiaſtical Cenſure*, that as they " deſire to be reputed *Chriſti-* " *ans*, ſo they will take an Oath " for the defence of the *Faith*, " that they will honeſtly en- " deavour with their whole " Power to exterminate all *Hereticks*, condemned by " the *Church*, out of their Territories. Thus the fourth *Lateran Council* hath defined. The general *Council* of *Conſtance* requires (f) " All *Archbiſhops*, *Biſhops*, " and other perſons choſen for " this Work, to admoniſh and " require all *Kings*, *Emperours*, " *Dukes*, *Princes*, *Earls*, *Ba-* " *rons*, &c. and by the *Apoſtolical* " *Authority* to command them, " to expell all *Hereticks* foremen- " tioned out of their Kingdoms, " Provinces, Cities, Towns, Ca- " ſtles, Villages, Territories and " other Places, according to the

(e) *Moneantur autem, & inducantur, &, ſi neceſſe fuerit, per Cenſuram Eccleſiaſticam compellantur Seculares Poteſtates, quibuſcunque funguntur Officiis, ut ſicut reputari cupiunt & haberi fideles, ità pro defenſione Fidei præſtent publicè Juramentum quod de terris ſuæ juriſdictioni ſubjectis univerſos Hæreticos ab Eccleſia denotatos bona fide pro viribus exterminare ſtudebunt: ità quòd à modo quomodocunque quis fuerit in Poteſtatem ſive ſpiritualem ſive temporalem aſſumptus hoc teneatur capitulum Juramento firmare.* Concil. Lat. quartum. Can. 3. ibid.

(f) *Omnes Chriſtianæ & Catholicæ Fidei Profeſſores, Imperatorem, Reges, Duces, Principes, &c. necnon cæteros juriſdictionem temporalem exercentes juxta Juris formam & exigentiam Authoritate Apoſtolicâ exhortando moneatis & requiratis ut de Regnis, Provinciis, Civitatibus, Oppidis, Caſtris, Villis, Terris & Locis aliis, ac Dominiis ſupradictis, omnes & ſingulos Hæreticos hujuſmodi, ſecundum tenorem Lateranenſis Concilii, quod incipit ſicut ait, ——tanquam oves morbidas Gregem Domini inficientes, expellant: nec eoſdem in ſuis diſtrictibus prædicare, domicilia tenere, larem fovere, contractus inire, negociationes & mercationes quaſlibet exercere, aut humanitatis ſolatia, N. B. cum Chriſti Fidelibus habere permittant.* Conc. Conſt. Seſſ. 45. apud *Bin.* To. 7. p. 1121. A. Vide Concil. Lat. tertium, cap. 27.

" *Canon* of the *Lateran Council* which begins with the " words, *Sicut ait*, that is, according to the Twenty ſeventh *Canon* of the Third general *Council* of *Lateran*, which, under *Anathema*, forbids any one to let the *Hereticks* there mentioned tarry within their Houſes or Territories.

5. The Fourth *Council* of (g) *Lateran* adds, that " if the " *Temporal Lord*, being requi- " red and admoniſhed by the " *Church*, ſhall neglect to purge " his Territories from *Heretical* " *Filth*, he ſhall be excommu- " nicated by the *Metropolitan* " and his *Suffragans*; and if he " neglect to give ſatisfaction " within a year, this ſhall be " ſignified to the Pope, that he, " from hence forth, may pro- " nounce his Subjects diſcharged from their obedi- " ence, and expoſe his Territories to be enjoyed by " *Catholicks*, who, having exterminated the *Hereticks*, " ſhall poſſeſs it without all contradiction, and keep " it in the purity of Faith, ſo that no injury be " done to the *Principal Lord*, who doth not oppoſe " his procedure; provided notwithſtanding that the " ſame Law take place againſt them who have no " *Temporal Lords*. Now let it be obſerved that both the *Councils* of (h) *Conſtance*, and of *Baſil*, do reckon this of *Lateran* among thoſe *Councils* which all their *Popes* muſt ſwear to maintain to the leaſt tittle, and to defend even to Bloud;

(g) *Si verò Dominus temporalis requiſitus, & monitus ab Eccleſia, terram ſuam purgare neglexerit ab hac hæretica fœditate, per Metropolitanum & cæteros Comprovinciales Epiſcopos excommunicationis vinculo innodetur, & ſi ſatisfacere contempſerit infra annum, ſignificetur hoc Summo Pontifici, ut ex tunc ipſe vaſallos ab ejus fidelitate denunciet abſolutos, & terram exponat Catholicis occupandam, qui eam, exterminatis Hæreticis, ſine ulla contradictione poſſideant, & in fidei puritate conſervent, ſalvo jure Domini principalis, dummodo ſuper hoc ipſe nullum præſtet obſtaculum, nec aliquod impedimentum opponat, eâdem nihilominus lege ſervatâ circa eos qui non habent Dominos principales.* Ibid. p. 148, 149.

(h) *Corde & ore profiteor fidem ſecundum traditionem octo Conciliorum generalium, necnon* Lateranenſis, Lugdunenſis, Viennenſis, Conſtantienſis, *generalium etiam Conciliorum, & illam fidem uſque ad unam apicem immutilatam ſervare, & uſque ad animam & ſanguinem defenſare, & prædicare.* Concil. Conſtant. Seſſ. 39. Baſil. Seſſ. 37.

Bloud; and that the *Council* of (i) *Trent* not onely hath declared it to be a general *Council*, but alſo doth affirm one of its Definitions to be the voice of the whole *Church*, and therefore theſe three general *Councils* muſt be ſuppoſed to approve all that is cited from this *Council*. The general *Council* of (k) *Conſtance* decrees that "all *Hereticks*, all "*Followers* and *Defenders* of "them, or *Partakers* with them, "though they ſhine in the Dig-"nity of *Patriarchs*, *Archbiſhops*, "*Biſhops*, *Kings*, *Queens*, *Dukes*, "or any other Eccleſiaſtical or "Mundane Title, ſhall be pro-"nounced *excommunicate* in the "preſence of the People every "*Sunday* and *Holy-day*: And "that the *Archbiſhops*, *Biſhops*, "and *Inquiſitors* ſhall diligently "enquire concerning them, "who hold, approve, defend, "dogmatize or receive ſuch "*Hereſies* or *Errors* as they be-"fore had mentioned, of what "Dignity, State, Preeminence, "Degree, Order or Condition "ſoever they are, and if they "be found guilty or infamed, "by their Authority ſhall pro-"ceed againſt them by the Pu-"niſhments of *excommunicati-"on*, *ſuſpenſion*, *interdict*, as alſo "of *deprivation* of their Dignities, Offices and Bene-"fices

(i) *Per* Lateranenſe Concilium *Eccleſia ſtatuit.* Seſſ. 14. c. 5.

(k) *Omnes & ſingulos Hæreticos hujuſmodi, necnon Sectatores ipſarum Hæreſum & Errorum utriuſque ſexûs, tenentes, & etiam defendentes eoſdem, aut Hæreticis ipſis quomodolibet, publicè vel occultè, in divinis, vel alias participantes, etiamſi Patriarchali, Archiepiſcopali, Epiſcopali, Regali, Reginali, Ducali, aut aliâ quâvis Eccleſiaſticâ vel mundanâ præfulgeant dignitate, —— excommunicatos ſingulis diebus dominicis & feſtivis, in præſentia populi nuncietis, & per alios nunciari faciatis, & nihilominus contra eoſdem omnes & ſingulos, utriuſque ſexûs, hujuſmodi errores tenentes, approbantes, defendentes, dogmatizantes ac Fautores & Receptores & Defenſores eorundem, —— & quemlibet ipſorum, cujuſcunque dignitatis, ſtatûs, præeminentiæ, gradûs, ordinis vel conditionis exiſtunt, auctoritate noſtrâ diligenter inquirere ſtudeatis, & eos quos per inquiſitionem hujuſmodi diffamatos, vel per confeſſionem eorum, vel per facti evidentiam, vel alias hujuſmodi hæreſis & erroris labe reſperſos reperietis, auctoritate prædictâ, etiam per excommunicationis, ſuſpenſionis, & interdicti, necnon privationis dignitatum, perſonatuum & officiorum, aliorumque beneficiorum Eccleſiaſticorum ac feudorum, quæ à quibuſcunque Eccleſiis, Monaſteriis, ac aliis locis Eccleſiaſticis obtinent, ac etiam bonorum & dignitatum ſecularium —— & per alias pœnas, ſententias & cenſuras Eccleſiaſticas, ac vias & modos quos ad hoc expedire, ſeu opportunos eſſe videritis, etiam per captiones & incarcerationes perſonarum, & alias pœnas corporales quibus Hæretici puniuntur, ſeu puniri jubentur, aut ſolent, juxta Canonicas Sanctiones.* Concil. Conſtant. Seſſ. 45. apud *Bin.* To. 7. p. 1125.

" fices Eccleſiaſtical, and alſo of their Secular Digni-
" ties and Honours, and by any other Penalties, Sen-
" tences, Eccleſiaſtical Cenſures, ways or manners
" which they ſhall judge expedient, even by taking
" and impriſoning their perſons, and executing up-
" on them any corporal Puniſhments with which
" *Hereticks* uſe to be puniſhed, according to the Ca-
Concil. To. XII. p. 367. " nonical Sanctions. The general *Council* of *Siena* confirming this *Bull* of *Martin* the Fifth made with the approbation and concurrence of the *Council* of *Conſtance*, and ſo, upon the matter, renews all the forementioned Decrees.

§. X. And whereas our dear *Lord* declares, *he came not to deſtroy mens lives, but to ſave them*, they have ſet up under the Banner of the *Croſs* an *Hoſt* of men on purpoſe to exterminate, deſtroy and butcher thoſe whom they are pleaſed to call *Hereticks*, and, to encourage them in this *inhumane* ſervice, do promiſe them the greateſt privileges. The (l) *Council* of *Bourges*, approved by the general *Council* of *Baſil*, declares, that " War may juſtly be waged a-
" gainſt condemned *Hereticks*,
" and that *Princes* and *Chriſtian People* may be ani-
" mated to fight againſt them.

(l) *Si* Bohemi *non venerint ad Concilium ſic ſolenniter mandati, tunc Principes & Chriſti Fideles poterunt ad pugnam animari:* (& paulò poſt) *juſtè induci poſſit bellum contra Hæreticos damnatos.* Append. ad Concil. Baſil. apud *Bin.* To. 8. p. 200.

The Fourth general *Council* of (m) *Lateran* decrees, that " they who under the badge of
" the Croſs will ſet themſelves
" to exterminate *Hereticks*, ſhall
" enjoy that Indulgence and
" that holy Privilege which is granted to them who go

(m) *Catholici verò, qui Crucis aſſumpto charactere, ad Hæreticorum exterminium ſe accinxerint, illâ gaudeant indulgentiâ, illòque ſancto privilegio ſint muniti, quod accedentibus in terræ ſanctæ ſubſidium conceditur.* Concil. Lat. quartum, To. XI. p. 149.

" go in defence of the *Holy-land*, and that is *full remiſſion of all their ſins* which they confeſs, and for which they have been contrite, and a greater degree of everlaſting Happineſs than others may expect. *Can.* 3.

The Third general *Council* of (n) *Lateran* decrees, " they " ſhall be taken under the de- " fence of the *Church*, and ſhall " be ſecure from any manner " of moleſtation in their Goods " and Perſons, and ſhall have " two years releaſe of the Pe- " nance enjoyned them, and re- " ceive greater Indulgence at " the diſcretion of the *Biſhops*. Cap. 27. The general *Council* of *Siena* decrees, that " all who proſecute and pro- " cure the extirpation of the *Wickleſiſts* and *Huſſites*, " ſhall enjoy all the Rights, Privileges and Indulgen- " ces concerning the Pardon of their Sins, which " have been granted to them that riſe up againſt *He-* " *reticks*. And to " all that " will proſecute thoſe *Hereticks*, " apprehend or bring them to " the *Inquiſitors*, or, if they " cannot apprehend, will ex- " pell them from their Territo- " ries, and, if they be requi- " red fight againſt them; they " promiſe all the Privileges " granted to thoſe who went to the aſſiſtance of the " Holy-land. So alſo doth the *Canon Law*. *Eugenius* the Fourth, in his Bull of *Revocation* of the general

(n) *Eos qui ardore Fidei ad (Hæreticos præfatos) expugnandum, laborem iuſtum aſſumpſerint, ſicut eos qui ſepulchrum dominicum viſitant ſub Eccleſiæ defenſione recipimus, & ab univerſis inquietationibus tam in rebus quàm in perſonis, ſtatuimus manere ſecuros; & rurſus fidelibus Chriſtianis qui contra eos arma ſuſceperint biennium de pœnitentia injuncta relaxamus, aut ſi longiorem ibi moram habuerint, Epiſcoporum diſcretioni, quibus hujus rei cura fuerit injuncta, committimus, ut ad eorum arbitrium ſecundum modum laboris, major eis Indulgentia tribuatur.* Concil. Lat. 3. cap. 27. apud *Bin.* To. 7. p. 662.

Statuit hæc ſancta Synodus, quod quicunque capientes Hæreticos, & in poteſtatem Ordinariorum vel Inquiſitorum Hæreticæ pravitatis effectualiter ponentes, vel eos, quos detinere, ſeu capere non poſſent, de eorum territoriis omnes expellentes, aut bannientes, ſeu etiam requiſiti, brachium ſeculare contra eos præſtantes, eam Indulgentiam conſequantur quæ dari conſuevit perſonaliter proficiſcentibus in ſubſidium Terræ Sanctæ. Concil. To. 12. p. 368,369.

Decretal. l. 5. Tit. 7. cap. 13.

neral *Council* of *Basil* objects this to them, "That a-"gainst the Decrees of the Holy *Fathers*, and the "*Edicts* of *Emperors*, which deny the admitting *He-*"*reticks* to audience, and in prejudice to the Autho-"rity *Apostolick*, and the Authority of the *H. Coun-*"*cils*, they had invited the *Bohemians* to dispute at "*Basil*, about certain Articles condemned by the *De-*"*crees* of *Popes* and *Councils*, it being, saith he, noto-rious to the whole World, that the *Bohemian Here-ticks* were maturely and solemnly condemned in the *Council* of *Constance* and in the *Council* of *Siena*, were by divers Processes of the *Apostles See* and his *Legates* aggravated once and again, and that War was procla-imed and the Secular Arm invoked against them. (*o*) "He "shall obtain of *God* the King-"dom of Heaven who dies for "the defence of *Christians*, saith a *Lemma* of the *Ca-non Law*: the words of the *Chapter* are said to be di-rected by *Leo* the Fourth to the *French* Army; and they speak thus, *viz.* "laying "aside all fear and terrour, act "boldly against the Enemies of "H. Faith, and the Adversaries "of all Religion; for the Om-"nipotent knows, that if any "of you dies he dies for the true "Faith, the Preservation of his Countrie, and the De-"fence of Christians; and therefore he shall obtain of "*God* a Heavenly Reward.

Invocatione etiam auxilii brachii secularis, & publici belli indictione multiplici. Bin. To. 8. p. 267.

(*o*) *Cœleste Regnum à Deo consequitur qui pro Christianorum defensione moritur.*

Omni timore & terrore deposito, contra Inimicos Sanctæ Fidei, & Adversarios omnium Religionum agere viriliter studete; novit enim Omnipotens si quilibet vestrûm morietur, quod pro veritate Fidei, —ac defensione Christianorum mortuus est, & ideo ab eo præmium cœleste consequetur. Decret. Part. 2. Caus. 23. qu. 8. cap. 9.

'oncil. To. XI. . 619, 621.

§. XI. The last Punishment which these poor Creatures must undergo is Death. They shall not be suffered

ſuffered to live, ſay the Conſtitutions of *Frederick* the Second. " The *Natareni* and all other *Hereticks* " ſhall be duly puniſhed by the *Secular Judge*, they " ſhall take them away by a *damnable* Death, ſay the ſame Conſtitutions, *p.* 619. " For their Extirpa- " tion, we decree, ſaith *Ludovicus* the Seventh *King* " of *France*, that, being condemned, they ſhall be pu- " niſhed with the Animadverſion due unto them. So alſo doth the *Canon Law*. *Decretal. l.* 5. *tit.* 7. *cap.* 13. By the Statute of our *King Henry* the Fourth, againſt the *Lollards*, " after the Sentence pronounced againſt " theſe *Hereticks*; the *Maior*, the *Sheriff*, or their " *Officers*, who muſt be preſent at the Execution, muſt take them into their Cuſtody, and burn them before the People in ſome *eminent* place. *Concil. Tom.* 11. *part.* 2. *p.* 2101. *A. D.* 1408.

Concil. To. XI. p. 423.

The Conſtitutions of *Frederick* the Second decree, that " the ſame Puniſhment ſhall be inflicted " upon thoſe who cheriſh and defend them.

Pag. 619.

" And upon all who having once abjured their " *Hereſie* relapſe into it. *Ibid. p.* 620.

If after Death they ſhall be found to have been *Hereticks*, " their Bodies muſt be digged up, and " their Bones burnt. *Concil. Albienſe*, *Can.* 25. *p.* 727. " And the temporal *Lords*, by the *Diocеſan*, and " the *Inquiſitors*, muſt be compelled by *Eccleſiaſtical* " *Cenſures* to dig up their Bodies. *Concil. Alb. Can.* 27. *p.* 728.

Moreover, " The *Sons* and *Nephews* of *Hereticks* " or of their *Receivers*, *Defenders* or *Favorers*, muſt " be admitted to no publick *Offices* or *Benefices Ec-* " *cleſiaſtical* or *Secular*, nor to ſucceed to the Inheri- " tance of their *Fathers*. *Conſt.* Fred. 2. Innocent. 4. *cap.* 29. *p.* 608. Nich. 3. *Conſt.* 2. §. 21. Theſe are

To. XI. p. 622. Bull. *Ro. To. I. p.* 182.

the

the Laws eſtabliſhed which lay an Obligation upon thoſe of this Communion to puniſh *Hereticks*.

§. XII. And that what they have thus eſtabliſhed may be inviolably obſerved, they decree, 1. That "all the *Governors* forementioned muſt proceed ac- "cording to their Conſtitutions againſt all *Hereſies* "extolling themſelves againſt the *Church* of *Rome*. Clem. 4. *Conſtit.* 8. §. 2. *ubi ſupra.*

Pag. 608. 2. That "theſe Puniſhments of *Hereticks* muſt by "no means be relaxed. *Conſt.* Innoc. 4. *Cap.* 32. Clem. 4. *Conſt.* 13. *Leg.* 34. Bull. *To.* 1. *p.* 175. and as they muſt not be relaxed, ſo neither muſt they be delayed. For,

3. "When any perſon is condemned for *Hereſie*, "the *Magiſtrate*, within five days, muſt execute the

Pag. 607. "Sentence which hath paſt upon him. *Innoc.* 4. *Conſt. cap.* 24. he muſt preſently receive them into his Cu-

Bull. *Rom. p.* 174. ſtody for that end. *Clem.* 4. *Conſt.* 13. *Leg.* 23. "He

To. XI. p. 423. "ſhall puniſh them without delay. *Conſt.* Ludovici, *Regis* Francorum. And,

4. That no perſon may have any temptation or excuſe, either for the relaxing or delaying of them, they are required to execute them without enquiry made into the Juſtice of them; For by the *Conſtitutions* of *Innocent* the Eighth, "All *Magiſtrates*, un- "der the Penalty of *Excommunication*, muſt execute "the Penalties by the *Inquiſitors* impoſed on *Here-* "*ticks*, without reviſing the Juſtice of them; Be- "cauſe *Hereſie* is a Crime meerly Eccleſiaſtical. *Conſt.* 10. Bull. *Rom. To.* 1. *p.* 453.

§. XIII. Moreover, That no *Governor* may plead Ignorance as to any of theſe *Laws*, by the *Conſtituti-*

To. XI. p. 609. *ons* of *Innocent* the Fourth, "Every *Governor* muſt have

" have a Copy of these *Laws* inserted into the *Sta-*
" *tute Book* of the *City* where he doth preside. *Const.*
38. *Clemens* the 4th commands " all *Rulers* through-
" out *Italy*, to write down in their *Chapter-acts*, or
" in their *Books of Statutes*, the *Constitutions* set forth Bull. *Rom. To. I.*
" against *Hereticks* by *Innocent* the Fourth, and *A-* p. 166.
lexander the Fourth, *Const.* 8. §. 1. And,

2. " If any blot out, diminish or alter any of these
" *Constitutions* without the consent of the *Apostolick*
" *See*, he must be proceeded against as a publick
" *Defender* or *Favorer* of *Hereticks*, Innocent. 4. *Pag.* 609.
Const. 34. Clem. 4. *Const.* 13. *Leg.* 37. *p.* 175. And that
no person may plead an *Obligation* by virtue of any
other *Constitutions*, to neglect the *prosecution* of these
Laws.

3. " All *Statutes* contrary to these, throughout
" all *Italy*, must be abolished and rased out of all pla-
" ces and Cities within their Jurisdiction, *Innocen.* 4. *Pag.* 609.
Const. 37. Clem. 4. *Constit.* 13. *Leg.* 39. By the *Con-* Bull. *Rom. To. I.*
stitution of *Urban* the Fourth, " the *Statutes* of any p. 175.
" *City*, *Castle*, *Village*, or other place, whereby the bu- Sexti *Decretal.*
" sines of the *Inquisition* of *Heretical pravity* is direct- *l.* 5. *tit.* 2. *cap.* 9.
" ly or indirectly hindred or retarded, are made void,
" and the *Rectors* and *Governors* of those places are,
" by *Ecclesiastical Censure* to be compelled to revoke
" them.

§. XIV. Again, That knowing of these *Constitutions*
they may not dare to be remiss as to the Execution of
them; at their Admission they must swear to the Ob-
servance of them, " he who will not doe so, must
" not be owned as a *Governor* in any place of *Italy*,
" nor must any of his Acts be valid, nor any per-
" son be obliged to perform the *Oaths* made to him, *To. XI. p.* 604.

Innoc. 4. *Conſt.* 1. Clem. 4. *Conſt.* 13. *Leg.* 1. Nor is
Bull. *Rom. To. I.* p. 173. p. 622. he, by the *Laws* of *Frederick* the Second, to be admitted as a *Governor* in any place of the *Empire*. And theſe two *Conſtitutions* are made a part of the *Canon Law*, as you may ſee, *Sexti Decretal. l.* 5. *tit.* 2. *cap.* 11.

If, having thus ſworn, " he ſhall neglect to obſerve all, and ſeveral of theſe *Conſtitutions*, he muſt " be deveſted of his Office and Government, and be " henceforth uncapable of any Dignity, Office and
To. XI. p. 604. " Honour, and muſt be proſecuted as a perſon *infamous*, *perjur'd*, *ſuſpected concerning the Faith*, and
Bull. *Rom. To. I.* p. 173. " a *Favorer* of *Hereticks*. *Conſt.* Innoc. 4. *Conſt.* 1. Clem. 4. *Conſt.* 13. *Leg.* 2. " If he do not proceed according to theſe *Rules* againſt all *Hereſies* extolling themſelves againſt the *Church* of *Rome*, he " muſt be puniſhed with an *Excommunication* and an " *Interdict* upon his *Juriſdiction*, to be inflicted by
p. 166. " the *Inquiſitors* on all *Refuſers*. *Conſtit.* 8. §. 2. *Conſtit.* 13. §. 2. *p.* 172.

" If any *Biſhop* be negligent or remiſs in purging " of his Dioceſs from *Heretical pravity*, he, by the (a) *Canon* of the Fourth general *Council* of *Lateran*, " muſt " be depoſed from his *Epiſcopal* " *Office*; and the ſame Puniſhment is threatned by the general *Council* of (b) *Conſtance* to all *Archbiſhops*, *Biſhops*, or *Inquiſitors* who are thus negligent and remiſs, and alſo by the *Canon Law*, *Decretal. l.* 5. *tit.* 7. *cap.* 13.

(a) *Si quis Epiſcopus, ſuper expurgando de ſua Diocæſi Hæretica pravitatis fermento, negligens fuerit vel remiſſus, cùm id certis indiciis apparuerit, ab Epiſcopali Officio deponatur, & in locum ipſius alter ſubſtituatur idoneus, qui velit & poſſit Hæreticam confundere pravitatem.* Concil. Lat. Can. 3. Concil. To. XI. p. 152.

(b) *Nos enim contra omnes Archiepiſcopos, Epiſcopos, &c. qui ſuper extirpando Hæretica pravitatis fermento —— negligentes fuerint, —— uſque ad privati nem ſeu depoſitionem Pontificalis Dignitatis procedere intendimus & procedemus.* Seſſ. 45. apud Bin. To. 7. p. 1122.

To. XI. p. 428. " If any *Bailiff* be negligent in this Work, he " muſt loſe his Goods and be uncapable of the *Office*.

fice. Concil. Toloſ. Can. 7. Concil. Albienſe, Can. 7. p. 723.

" If any perſon whatſoever will not execute the " Sentence of the *Inquiſitors*, he muſt be compelled " to it by *Eccleſiaſtical Cenſures*; and if then he a- " mend not, both his *Dioceſan* and the *Inquiſitors* " muſt proceed againſt him as a *Defender* and *Favo-* " *rer* of *Hereticks*. So the *Council* of *Valence*, *A. D.* 1248. *Can.* 9. *Concil. Albienſe. Can.* 22. *A.D.* 1254.

Concil. To. XI. p. 698. *p.* 726. 727.

§. XV. And that no man may dare to give theſe *Hereticks* Credit, or ſhew them the leaſt Favor, they have decreed, 1. That all who are *Believers* of *Hereticks*, or give Credit to their Errors, ſhall be condemned and puniſhed as *Hereticks*. Innoc. 4. *Conſt.* 27. Now " ſuch a one is he, ſaith the *Provincial Council* of *Narbon*, " who ſhews them any Reverence, who be- " lieves that they, continuing in their Sect, may be " ſaved, or may be good and holy Men, or Friends of " God, or of good Life and Converſation, or that " they who proſecute them do offend. *Can.* 29. " They " are to be reputed *Favorers* of *Hereticks*, ſaith the *Provincial Council* of *Narbon*, " who hinder the Cor- " rection or Extirpation of *Hereticks*, and thoſe that " believe them, or do not doe that which without " manifeſt fault they cannot omit towards it; they " greatly favor them who conceal them when they " may and ought to reveal them; they more, who by " concealing of them maliciouſly endeavor to hinder " their Examination, Incarceration or Puniſhment; " they moſt of all, who releaſe them without the con- " ſent of the *Church*, when they are taken or impri- " ſoned, or by whoſe Counſel, Aid or Command, " ſuch things are done: Nor are they free from this

Vide Bullam Nichol. 3. *Conſt.* 2. §. 3. Bull. *Rom. To. I. p.* 182. & Clem. 4. *Conſt.* 13. *l.* 27. *p.* 175.

To. XI. p. 495, 496.

P. 492. *Can.* 14.

Ibid. Can. 16.

" Crime, who, having opportunity of place and " time, and power to apprehend *Hereticks*, or help " others ſo to doe, wickedly let it ſlip, eſpecially, " when they are required to aſſiſt by others that are " willing to apprehend them.

2. " If any *Believer*, *Receiver*, *Defender* or *Favorer* of " *Hereticks*, being excommunicated, do not ſatisfie (the " *Church*) within a year, he " from hence forward ſhall be " infamous, and ſhall not be " admitted to give Teſtimony, " or to publick Offices, or to " Councils, or to the Election " of thoſe that belong to them: " he ſhall have no power of " making any Will, or ſucceeding to any Inheritance: " No man ſhall be obliged to " anſwer him in any Cauſe, but " he ſhall be compelled to anſwer others; if he be a *Judge*, his Sentence ſhall " be void and null, nor ſhall any Cauſes come before " him; if an *Advocate*, he ſhall not be admitted to " plead; If a *Clerk* or *Notary*, the Inſtruments drawn " by him ſhall be of no moment. So the *Conſt.* Freder. 2. the *Conſtitutions* of *Clement* the Fourth, *Conſt.* 27. And laſtly, All this is confirmed by the Fourth general *Council* of *Lateran* in expreſs words, *Cap.* 3. *de Hæreticis*, and by the *Canon Law*, *Decretal. l.* 5. *tit.* 7. *cap.* 13.

Credentes verò præterea, Receptores, Defenſores & Fautores Hæreticorum, Excommunicationi decernimus ſubjacere: firmiter ſtatuentes, ut poſtquam quis talium fuerit Excommunicatione notatus, ſi ſatisfacere contempſerit infra annum, extunc ipſo jure ſit factus infamis, nec ad publica Officia, ſeu Conſilia, nec ad eligendos aliquos ad hujuſmodi, nec ad Teſtimonium admittatur: Sit etiam inteſtabilis, ut nec teſtandi liberam habeat facultatem, nec ad hæreditatis ſucceſſionem accedat: Nullus præterea ipſi ſuper quocunque negotio, ſed ipſe aliis reſpondere cogatur, quòd ſi fortè Judex exſtiterit, ejus ſententia nullam obtineat firmitatem, nec cauſæ aliquæ ad ejus audientiam perferantur; ſi fuerit Advocatus, ejus patrocinium nullatenus admittatur; ſi Tabellio, ejus inſtrumenta confecta per ipſum nullius penitus ſint momenti, ſed cum Autore damnato damnentur. Concil. Lat. quartum, Can. 3. Concil. To. XI. p. 149, 150.

Concil. To. XI. p. 622, 623. Bull. *Rom. To. I. p.* 182, 175. *To. XI. p.* 150. 149.

§. XVI. Moreover, for the Security and the Encouragement

couragement of ſuch as ſhall accuſe them; Whereas, according to the Laws of *heathen Rome*, no man could be condemned, till he had his Accuſers brought before his Face, they have decreed that "the Names of "the *Accuſers* of *Hereticks* ſhall not be made publick "either by Word or Sign, becauſe this is the pleaſure "of the *Apoſtolick See*. So *Concil. Narbon. A.D.* 1235. *Can.* 22. *Concil. Bitter. An. Do.* 1246. *cap.* 10. And whereas, in other Caſes, by the *Laws* of all *Nations*, notorious Criminals, infamous and perjur'd Perſons, were not to be admitted to give Teſtimony againſt others, eſpecially in matters of Life and Death: All Criminals, and infamous Perſons, though Partakers with them in their Crimes, may be admitted to accuſe and teſtifie againſt the *Hereticks*. *Concil. Narbon. An. Dom.* 1235. *Can.* 24. *Concil. Bitter. An. D.* 1246. *cap.* 12.

Act. 25. 16.

Concil. To. XI. p. 494. p. 689, 690.

Ibid. p. 494. p. 690.

§. XVII. Now ſutably to theſe *Decrees* and *Principles* the *Pope* hath frequently proceeded, depriving *Civil Governors* of their Dominions, as being *Favorers* of *Hereticks*, or as neglecting to extirpate *Hereticks* out of their Territories. For (a) *Raimund*, Count of *Toloſe*, was excommunicated by *Innocent* the Third, "becauſe "he was a *Favorer* of *Hereticks*, "and his Dominions, by the *Pope*, were given to a-"ny perſon who would ſeiſe upon them. In the year 1210. the *Citizens* of *Toloſe* were by the *Council* of (b) *Avignion* excommunicated, "becauſe they "neglected to perform what "they had promiſed concerning

(a) Raimundus, *Comes Toloſanus, Albigenſium Fautor, jam ſæpius excommunicatus, cùm & ditionem ſuam cuivis occupanti à Pontifice conceſſam cerneret, &c.* Concil. To. XI. pag. 35.

(b) *In quo Concilio excommunicati fuerunt, & expoſiti, Cives Toloſani, pro eo quod ea quæ Legato, & Cruce ſignatis, promiſerant, de expulſione Hæreticorum, adimplere contempſerant.* Ibid. pag. 53.

" the Expulsion of *Hereticks*. In a *Council* held at *Vaur*, *A. D.* 1213. (c) " *Arnaldus* the *Pope's* Legate, by the " Apostolick Authority, doth " admonish and command the " King of *Arragon* to abstain " from the Protection, Defence " or Communion of *Hereticks*, threatning that " otherwise he would pronounce a- " gainst him the same *Censures* and *Ecclesiastical Pu-* " *nishments* which are denounced against them. Yea the *Pope* himself informs him, that if he proceeded to be a (d) *Favorer* of *Hereticks*, " he could not spare him, nor " delay his *Punishment*; and " that he might by the Exam- " ple of others, who of late had " opposed themselves to *God* " and the *Church*, perceive what great danger han- " ged over his head. The occasion of all this was as followeth; *Peter*, King of *Arragon*, solicits for *Raimund*, Count of *Tolose*, that he might be received into the *Church*, and for the (e) *Counts* of *Cominges* and *Foix*, " That they might be re- " stored to their own again. To this the *Council* answer, " That Count *Cominges* had " made a League with *Hereticks* " and their *Favorers*, and that the *Count* of *Foix* was " a *Receiver* of them, and therefore his *Majesty* ought " not to intercede for them till they have satisfied the " *Church*. Whereupon the *King* sides with them, endeavoring to obtain by Force, what by Petition he could

(c) Arnaldus *Apostol. Sedis Legatus, datis literis, Auctoritate Apostolicâ, Regem admonuit, quin etiam imperavit, ut à protectione, defensione, communioneque Hereticorum abstineret, alioquin easdem censuras & pœnas Ecclesiasticas in eum pronunciaret.* Bin. To. 7. p. 792.

(d) *Nec nos tibi contra Fidei Christiana negotium possemus parcere vel deferre, quantum enim tibi immineret periculum, si Deo & Ecclesiæ, præsertim in causa Fidei, te opponeres... moderna possunt te exempla monere.* Concil. To. XI. p. 95.

(e) *Ut Comes Convenarum restituatur ad terram suam, ut Comes Fuxensis restituatur ad sua.* Concil. To. XI. p. 82. *Pro certo intelleximus, quòd Comes Convenarum Fœdus cum Hæreticis & eorum Fautoribus contraxisset, constatque de Comite Fuxensi, quòd Hæreticorum extitit à longo tempore Receptator,* p. 83.

could not obtain. In the year 1214. a *Council* met at (f) "*Montpellier*, of five "*Archbiſhops*, and 28 *Biſhops*, "who chuſe the *Count* of "*Montfort*, *Prince* and *Monarch* "of the Dominions of the "*Count* of *Toloſe*, the foremen-tioned *Favorer* of the *Albigenſes*, "deſiring the *Pope*'s Legate "to confirm their choice. He, having no Inſtructions touching this matter, acquaints the *Pope* with their Requeſt, who doth immediately commit to him the Cuſtody and allow him the Benefit of thoſe Dominions, referring the matter of the *Title* to the Deciſion of the Fourth general *Council* of *Lateran*, then called, and the next year aſſembled, which reſolves the Caſe thus; "That the *Pope* ſhall abſolve the Subjects of "ſuch *Favorers* of *Hereticks* from their Allegiance, "and expoſe their Territories to be enjoyed by *Ca-"tholicks*, who, having deſtroyed the *Hereticks*, ſhall "poſſeſs it without any Contradiction, ſo that no "Injury be done to the Principal *Lord*; who in this Caſe was the *French King*. In a *Council* held in the Province of (g) *Narbon*, *An. Dom.* 1227. "*Raimund* the Son "of *Raimund*, *Count* of *Toloſe*, "the *Count* of *Fux*, the *Here-"ticks* of *Toloſe*, and the *Recei-"vers*, *Believers*, *Favorers*, *De-"fenders* of them are denoun-"ced excommunicate by Bell, "Book and Candle, and are expoſed, as to their goods "and perſons, to every one that can ſeiſe on them.

(f) *In hoc tandem omnium & ſingulorum vota & conſilia convenerunt, ut nobilem Comitem Montisfortis eligerent in totius terræ illius Principem & Monarcham. —— poſtquam ergò Archiepiſcopi & Epiſcopi elegerunt prænobilem Comitem, inſtantiſſimè requiſierunt à Legato, ut ipſe ſtatim traderet totam terram eidem Comiti. —Dominus Papa—commendabat Comiti Montisfortis cuſtodiendam, donec in Concilio generali, quod in Kalendis Novembris illius anni, Romæ convocaverat, de terris prædictis plenius ordinaret.* Concil. To. XI. p. 104.

Concil. To. XI. p. 148, 149.

(g) *Statuimus & præcipimus obſervari diſtrictè, ut* Raimundus, *filius* Raimundi, *quondam Comitis Toloſani, Comes Fuxenſis, &c. Toloſani Hæretici, Credentes, Fautores, Defenſores & Receptatores eorundem, Candelis accenſis, pulſatis Campanis, denuncientur excommunicati, & expoſiti cuilibet occupanti, tam in rebus quàm in perſonis, per ſingulas Parochias, ſingulis diebus Dominicis & Feſtivis.* Concil. Narbon. Can. 17. Concil. To. XI. p. 308.

A. D.

A. D. 1281. (h) *Martin* the Fourth doth paſs the Sentence of Excommunication, actually incurr'd, againſt "*Michael Pa-*"*leologus*, as being a *Favorer* "of thoſe Schiſmaticks, the "*Greeks*, and therefore a *Main-*"*tainer* of *Hereticks*, and of "their *Hereſies* and *Schiſms*— "and he moreover doth com-"mand all *Kings*, *Princes*, "*Dukes*, &c. and all other Per-"ſons, of what Dignity, Con-"dition or Eſtate ſoever, under "the Penalty of the ſame Ex-"communication, to make no "Leagues or Confederacies "with him; pronouncing all "ſuch Confederacies null and "void; though they have been confirmed with an "*Oath*, or any other firmneſs whatſoever.

(h) Michaelem Palæologum, *qui Græcorum Imperator nominatur, tanquam eorundem Græcorum, antiquorum Schiſmaticorum, & in antiquo Schiſmate conſtitutorum, & per hoc Hæreticorum, necnon & Hæreſis ipſorum ac Schiſmatis antiqui Fautorem, de fratrum noſtrorum Concilio denunciamus Excommunicationis Sententiam latam à Canone incurriſſe, ac ipſius fore Sententiæ vinculo innodatum. Cæterum univerſis & ſingulis Regibus, Principibus, Ducibus, &c. & cæteris omnibus cujuſcunque ſint præeminentiæ, conditionis aut ſtatûs,---diſtrictius inhibemus, ne cum eodem* Michaele Palæologo, *in hujuſmodi Excommunicatione manente, ſocietatem vel confœderationem aliquam contrahere ſub quovis ingenio vel machinatione præſumant; --omnes & ſingulares perſonas contrarium facientes---Sententiam Excommunicationis, quam nunc in ipſos ferimus, volumus incurrere ipſo facto---& nihilominus ſocietates confœderationum ipſas, etiamſi panarum & juramenti adjectione, vel quacunque fuerint aliâ firmitate vallatæ, decernimus irritas & inanes. Mart.* Conſt. Unic. *Bull.* Rom. To. I. p. 182, 183. §. 1, 2, 3.

Extrav. Com. l. 5. tit. 10. cap. 3. *A. D.* 1307. *Clement* the Fifth, by the Advice of his Brethren, doth paſs the very ſame Sentence upon *Andronicus Paleologus*, the Emperor of the *Greeks*, for the ſame Crime.

Spond. *Annal.* To. 1. p. 418. §. 2. *A. D.* 1326. *Caſtrutius*, Governor of *Luca*, is condemned by the *Pope's* Legate, as a *Perſecutor* of the *Church*, and a *Favorer* of *Hereticks* and *Schiſmaticks*, and is deprived of all his Dignities, and expoſed to every one that would fall upon him.

16. p. 791. §. 1. *A. D.* 1425. *Martin* the Fifth pronounceth a moſt heavy and ſevere Sentence againſt the Perſon and Kingdoms of *Alphonſus*, King of *Arragon*, as being a *Favorer* of *Schiſm*.

A. D.

A. D. 1512. *Julius* the Second, having notice that the *King* of *Navar* favored the *Enemies* of the *Church*, he recurr'd to that laſt Remedy which is wont to be uſed againſt Rebellious *Princes*, execrating the *King* and *Queen* of *Navar*, depriving them of their Dominions, and exciting all *Princes* to ſeiſe upon the common Prey. * *Henry* the Third of *France* ſpared the Bloud of *Proteſtants*, and refuſed to declare his *Succeſſor* uncapable of the Succeſſion, though he was a *Proteſtant*; wherefore *Sixtus* the Fifth, *A. D.* 1585. excommunicates him as *a manifeſt Favorer of Hereticks*, and grants Nine years of true Indulgence to any of his Subjects who would bear Arms againſt him, and doth abſolve them all from their Allegiance to him. Upon this, his Subjects rebell againſt him, and *Frier Clement* murthers him.

Apud Spond. To. 2. *p.* 297. §. 23.

* *Tanquam Sectarorum Fautorem & Defenſorem publicum & manifeſtum.* Vide *Thuan.* l 82. *p* 45. Bull. *Sixti* 5. edit. A. D. 1585.

A. D. 1592. *Clement* the Eighth declares that *Henry* the Fourth of *France* was unworthy of the Kingdom, as being a *Deſtroyer* of the *Orthodox Faith* and a *Favorer* of *Hereticks*, and therefore he commands the Election of another.

Spond. *ibid. p.* 875. §. 4.

A. D. 1570. (i) *Pius* the Fifth "declares Q. *Elizabeth* a "*Heretick* and a *Favorer* of *He*-"*reticks*, and for that Cauſe de-"prived of all Dominion, Dig-"nity and Privilege whatſo-"ever, and her Subjects abſol-"ved from their Oaths, and "from all Duty, Allegiance and "Obedience, by that Oath due unto her.

(i) *Declaramus prædictam* Elizabetham *Hæreticam, Hæreticorumque Fautricem, prætenſo Regni prædicti jure, nec non omni & quocunque Dominio, Dignitate, Privilegioque privatam, & etiam Proceres, Subditos & Populos dicti Regni qui illi quomodocunque juraverunt, à Juramento hujuſmodi, ac omni prorſus Dominii, Fidelitatis, & Obſequii debito, perpetuo abſolutos.* Bull. *Pii* Quinti. *Bullar.* To. 2. p. 303.

§. XVIII. Let it be then conſidered, that though *Councils* join with *Popes* in the making of *Canons*,

yet by the *Conſtitutions* of that *Church* the *Pope* alone is he to whom belongs the Execution, and the Authentical expounding of thoſe *Canons*, as they muſt be reduced to practice: And that the *Pope* is authorized by their (k) *Councils*, both to interpret and to execute their *Canons* during the Interval of their *Seſſions*. And then, this being well conſidered, you will find reaſon to conclude, that their whole *Church* is very much concerned in what the *Popes* do practiſe by virtue of thoſe *Canons*, or in purſuance of them. And unleſs that Practice of the *Popes* in Execution of the *Canons*, which is allowed by *Councils* themſelves, during the Intervals of their ſitting, may be reputed the Practice of their *Church*, I cannot imagine how they can impute any thing to their *Church* which is not done in *Councils*: And if that onely which is done in *Councils* muſt be reputed as done by the *Church*, the *Church* muſt wholly be unactive in the Intervals, and unable to exerciſe any Authority by virtue of ſuch *Canons* as have no *Authentical Expoſitor*, and no man *authorized* to execute them.

(k) *Nos enim unum Eccleſiæ corpus ſumus, & ipſe hujus corporis caput ſub Capite* Chriſto, *quicquid igitur fit ab hoc corpore Eccleſiaſtico, ab ipſo magis quàm ab alio corporis membro procedere cenſetur, itaque non ſecus Synodalia Decreta pro ſuo debito & honore exequi debet, ac per alios ſervari facere, quàm ſi ab ore proprio dictata & promulgata eſſent.* Reſp. Synod. Baſil. apud *Binium*, To. 8. p. 141. A. C. D.

Quoties aliqua de univerſali Synodo aliquibus dubitatio naſcitur, ad recipiendam de eo quod non intelligunt rationem, ii qui ſalutem animæ ſuæ deſiderant, ad Apoſtolicam Sedem pro recipienda ratione conveniant. Decret. part. 1. diſt. 17. cap. 4. *Si quid eos de judicio univerſalis Synodi quod* Conſtantinopoli *per primam nuper elapſam indictionem actum eſt, fortè movebat ad Sedem Apoſtolicam Electis aliquibus de ſuis qui dare & accipere rationem poſſent dirigere debuerant.* Decret. part. 2. caus. 23. qu. 5. cap. 43.

Si in his recipiendis aliqua difficultas oriatur, aut aliqua incideriat quæ declarationem, quod non credit, aut definitionem poſtulant, confidit Sancta Synodus B.R. Pontificem curaturum, &c. Synod. Trident. Seſſ. 25. p. 648.

§. XIX. Moreover though any *Prince*, who hath embraced the *Romiſh* Faith, ſhould promiſe not to proſecute his *Proteſtant* Subjects according to the tenor

nor of theſe ſevere and ſanguinary Laws, yet cannot his moſt ſolemn Promiſes give to them any juſt Security of Freedom and Exemption from theſe Puniſhments. This will ſufficiently appear, if we conſider,

1. *That the ſame impulſe of Conſcience that makes a man a R. Catholick, will alſo make him act like one, when he hath opportunity to doe it*; it therefore muſt engage him to believe that the *Decrees* of (*l*) general *Councils* concerning the Puniſhment of *Hereticks* muſt in themſelves be juſt and equitable, and fit to be obſerved by him, and that the practice of the whole *Roman Church*, purſuant to them, for the ſpace of three whole Centuries, muſt be a cogent Demonſtration of the Reception and Approbation of thoſe Laws throughout all *Catholick Kingdoms*, that he who doth not puniſh *Hereticks*, according as theſe Laws require, muſt be guilty of the Crimes with which theſe Laws do charge him, and well deſerves the Puniſhments they have decreed againſt him; and that whoſoever doth exterminate and puniſh *Hereticks*, as they encourage him to doe, ſhall certainly obtain the Bleſſings which they promiſe to him for that Act. How can a *Po-*

(l) *Nec quiſquam illud dicere præſumat quòd aliquod generale Concilium legitimè congregatum errare poſſit, quia ſi hic pernicioſus Error admitteretur tota Fides Catholica vacillaret, nec aliquid certi in Eccleſia haberemus, quia qua ratione errare poteſt unum, poſſint errare & reliqua Concilia.* Baſil. apud. *Bin.* To. 8. p. 128. *Blaſphemia eſſet, ſi quis negaret Spiritum Sanctum dictare Sententias, Canones & Decreta Conciliorum.* Ibid. p. 131. *Hæreticum illum fateri debetis qui putat Concilium generale in his quæ ad Fidem ſeu bonos mores N. B. pertinent poſſe errare*, p. 135. *Eſt certa regula, indeficiens menſura, Cunctos fideles rectiſſimè regulans, qua credenda aut agenda ſunt ſaluberrimè demonſtrans*, p. 206. *De Hæreſi ſuſpectum rogari vult Concilium Conſtantienſe utrum credat quòd illud quod Sacrum Concilium univerſalem Eccleſiam repræſentans approbat in favorem Fidei & ſalutem Animarum ſit ab univerſis Chriſti fidelibus approbandum & tenendum, & quòd condemnat eſſe Fidei & bonis moribus contrarium hoc ab iiſdem eſſe tenendum pro condemnato.* Seſſ. 45. *Bin.* Concil. To. 7. p. 1124. *Cætera item omnia ab Oecumenicis Conciliis, ac præcipue à ſacroſancta Tridentina Synodo tradita, definita & declarata, indubitanter recipio, atque profiteor; ſimulque contraria omnia, atque Hæreſes quaſcunque ab Eccleſia damnatas & rejectas & anathematizatas, ego pariter damno, rejicio & anathematizo. Pii quarti forma Juramenti profeſſionis fidei ab Eccleſiaſticis R. Eccleſiæ ſuſcepti.*

piſh Prince abſtain from thus reflecting with himſelf? Either the *R. Councils provincial* and *general*, and the great *Monarch* of the *Church* doe well in animating and exciting all *R. Catholicks* to fight againſt all *Hereticks*, expell them out of their Dominions, and execute theſe Laws upon them; and in propoſing the Rewards forementioned, as Bleſſings certainly to be obtain'd by all who do engage under the Banner of the *Croſs* for their Deſtruction. And all the *Roman Catholicks* did well, who, in Obedience to their Commands, and Expectation of theſe Bleſſings, hazarded, and loſt their Lives, by their Endeavors to extirpate *Hereticks*, or who did *murther* and *maſſacre* ſo many *millions* of *Hereticks*. And conſequently, I alſo ſhall do well, and may expect theſe Bleſſings, by acting as they did; or elſe theſe *Popes* and *Councils*, and all thoſe *R. Catholicks* who fought, or acted, or did encourage others to act thus againſt all *Hereticks*, were truly guilty of all the *Chriſtian* Bloud which in thoſe Wars, between the *Heretick* and *Catholick*, was ſpilt, and all the barbarous *Maſſacres* and horrid *Murthers* which have been committed upon *Hereticks*. And if ſo, Why do I own that *Church*, that *Pope*, thoſe *Councils*, who have been guilty of theſe horrid Crimes, and theſe notorious *Marks* of *Antichriſt*; and which hath often *ſainted*, but never in the leaſt diſcountenanced, but kept communion and good correſpendence with the *Authors* of them.

2. This further will appear, if we conſider that the ſame *Principles* which do oblige a *Popiſh Prince* to own that Faith, oblige him alſo to execute theſe ſanguinary Laws upon the *Heretick*, whatſoever Promiſes or Obligations he hath made unto the contrary. That he is ſubject to a Power which can abſolve him

him from all Obligations of this nature which he at any time ſhall make, and which already he hath declared that it is not in his power to make them, or to obſerve them when they have been made. That they are prejudicial to that *ſuperior Tribunal* of the *Church* to which he muſt be ſubject, and made concerning *Hereſie*, of which, as being a Spiritual Concern, he muſt not judge, nor of the Puniſhments belonging to it, or of the Lawfulneſs of the Suſpenſion of thoſe Puniſhments. All this 'tis eaſie to demonſtrate. And,

1. According to plain Reaſon, *When two Princes, that have diſtinct Tribunals, make Laws or Conſtitutions thwarting one the other, the Conſtitutions of the inferior Tribunal muſt give place to thoſe of the ſuperior:* but by the *Principles* of the Communion of the *Roman Church*, the *Eccleſiaſtical Tribunal* is *ſuperior* to that of *Princes*; ſince then it is decreed by that *Tribunal*, as we have ſeen already, that all *Catholick Princes* ſhall faithfully endeavour to extirpate *Heretick*s from their Dominions, and that all *Conſtitutions* made to the contrary are *ipſo facto* void; no *Conſtitutions* made by *Princes* in favor of *Heretical Subjects* can be obſerved by them, or be of any moment in prejudice to the Determinations of the *ſuperior Tribunal* of the *Church*. Now that, according to the Principles of *R. Catholicks*, the *Eccleſiaſtical Tribunal* is *ſuperior* to that of *Princes*, is evident,

1. From expreſs Declarations of the *Church* in her moſt general and approved *Councils*. (m) *Ægidius Viterbienſis* ſaith, with the great applauſe and approbation of the Fifth *Lateran Council* under *Julius* the Second, that *no Kings, or Princes can neglect the Commands, or refuſe*

(m) *Cujus quidem nulli Reges, nulli Principes poſſunt vel Decreta contemnere, vel Juſſa negligere, vel Authoritatem detrectare.* Apud *Bin.* To. 9. pag. 11.

fuſe the Authority of their general Councils. The *Council* of (n) *Conſtance* declares, that, "being a general *Council*, "it hath Power immediately "derived from *Chriſt*, which "every perſon of what State "or Dignity ſoever he be, e-"ven his *Holineſs* himſelf, is "bound to yield obedience to, in matters which con-"cern Faith, the Extirpation of the preſent *Schiſm*, "and the Reformation of the *Church*. The general *Council* of (o) *Baſil*, in the ſecond Seſſion, renews the ſame Decree: and, Seſſion the 12th, doth challenge, "by virtue of "the Omnipotent God, imme-"diate Power over all faithfull "*Chriſtians*: and, Seſſion the 33d they declare this to be "a Doc-"trine of the *Catholick Faith*, "which he that pertinaciouſly "reſiſts is a *Heretick*: and Seſſion the 45th they add, "that it is an Article which cannot be neglected, with-"out the loſs of Salvation.

(n) *Ipſa Synodus in Spiritu Sancto legitimè congregata —— poteſtatem à* Chriſto *immediatè habet, cui quilibet, cujuſcunque ſtatus vel dignitatis, etiamſi Papalis exiſtat, obedire tenetur in his quæ pertinent ad fidem & extirpationem dicti Schiſmatis, & reformationem generalem Eccleſiæ Dei in capite & membris.* Concil. Conſt. Seſſ. 4, 5. Baſil. Seſſ. 2.

(o) *Hæc Sancta Synodus in virtute Omnipotentis Dei, à quo ſuper omnes* Chriſti *fideles immediate poteſtatem vendicat,* &c. Concil. Baſil. Seſſ. 12. *Bin.* To. 8. p. 39. F. *Veritas de poteſtate Concilii generalis univerſalem Eccleſiam repræſentantis ſuper Papam, & quemlibet alium, eſt veritas fidei catholicæ —— veritatibus duabus prædictis pertinaciter repugnans, eſt cenſendus Hæreticus.* Ibid. Seſſ. 33. p. 95. F. A. *Hic Articulus de quo diſceptamus fidem concernit, qui ſine interitu ſalutis negligi non poteſt.* Ibid. Epiſt. Synod. p. 139.

2. This will appear from expreſs Acts of Juriſdiction exerciſed by them over *Kings* and *Princes*, for to omit the frequent *Excommunications*, and Sentences of Deprivations paſs'd upon *Emperors* and *Kings* in the Fourth general *Council* of *Lateran*, *Can.* 3. in the general *Council* of *Lions*, *Concil. To. XI. p.* 645. in the *Council* of *Piſa*, *Seſſ.* 14. in the general *Council* of *Conſtance*, *Seſſ.* 12, 17, 37. of *Baſil*, *Seſſ.* 27, 34, 40, 41. all which expreſly have decreed, that *Emperors* and *Kings*, for Miſdemeanors mentioned there, *ſhall loſe*

loſe their Dignity and Honor, and be deprived of their Government; I ſay, to paſs by this, they frequently demonſtrate their ſuppoſed Power over them by laying their Commands upon them; *We enjoin Princes*, ſaith the Fourth (p) *Lateran Council, cap.* 67. and the *Council* of *Vienna*. *We command ſecular Princes*, ſaith the Fourth *Lateran Council, cap.* 68. *We peremptorily enjoin them*, ſaith *Julius* the Second, with the Approbation of the Fifth *Lateran Council*. *We command that they be compelled by the ſecular Power*, ſaith the Fourth *Lateran Council, cap. ult.* and the general *Council* of *Lions*, cap. *Super Cruciata*.

(p) *Per cenſuram Eccleſiaſticam compellantur ſeculares Poteſtates.* Concil. Lat. quartum, cap. 3. *Principibus injungimus*, cap. 67. *Præcipimus Præſumptores hujuſmodi, per Principes ſeculares compeſci*, cap. 68. *Per ſecularem compelli præcipimus poteſtatem*, cap. ult. *Principibus injungimus*, Concil. Viennenſe apud *Bin.* To. 7. p. 870. *Per ſecularem compelli præcipimus poteſtatem.* Concil. Lugdun. *Bin.* To. 7. p. 858. *Eis (Principibus & Regibus) in virtute ſanctæ obedientiæ, authoritate à Deo univerſali Eccleſiæ conceſsâ, diſtrictè præcipiendo mandamus*, Concil. Baſil. *Bin.* To. 8. p. 207. *Sacro approbante Concilio—— Nos laicos—— cujuſcunque dignitatis, etiamſi Regalis extiterint, ——peremptoriè——requirimus*, Concil. Lat. quintum, apud *Bin.* To. 9. p. 48, 49. *Cogantur omnes Principes*, Concil. Trid. Seſſ. 25. *De Reform.* cap. 20.

3. Their *Canon Law* is full of *Conſtitutions* to this effect, declaring, that, "When the "things of *God* are treated of, "the *King* muſt ſtudy to ſubject his Will to the Will of "the *Prieſts*, and not prefer it "before theirs; *that* the Law of "*Chriſt* ſubjects *Kings* to the "Prieſthood of *Chriſt*, and puts "them under their Tribunals; "that *Chriſtian Emperors* ought to ſubject their Exe-"cutions to the *Prelates* of the *Church*, and not pre-"fer them to theirs, becauſe *God* would have them "to be ſubject to the *Prieſts* of the *Church*. By the ſame Law it is determined that "*Kings* muſt follow "the

Lemma. *In Eccleſiaſticis cauſis Regis voluntas Sacerdotibus eſt poſtponenda.*

certum eſt hoc rebus veſtris eſſe ſalutare, ut cùm de cauſis Dei agitur, juxta ipſius conſtitutionem, Regiam voluntatem Sacerdotibus Chriſti ſtudeatis ſubdere, non præferre. Eccleſiaſticam formam ſequi, non huic humanitus ſequenda para præfigere, neque ejus Sanctionibus velle dominari, cujus clementiæ voluit Deus tuæ piæ devotionis colla ſubmittere. Decret. part. 2. diſt. 10. cap. 3.

" the *Church* Form, and not " preſcribe humane Laws to " her, nor ſeek to domineer o- " ver her *Conſtitutions*, but ſub- " mit their Necks to her Cle- " mency. And, that they " ought to yield obedience to " the Laws of the *Church*, and " not exalt their Power above " her.

Lemma. *Imperatores debent Pontificibus ſubeſſe, non præeſſe.*

Ad Sacerdotes Deus voluit quæ Eccleſiæ diſponenda ſunt pertinere, non ad ſeculi poteſtates, quas ſi fideles ſunt, Eccleſiæ ſuæ Sacerdotibus voluit eſſe ſubjectas. —— Imperatores Chriſtiani ſubdere debent Executiones ſuas Eccleſiaſticis Præſulibus, non præferre; obſequi ſolere Principes Chriſtianos Decretis Eccleſiæ, non ſuam præponere poteſtatem, Epiſcopi caput ſubdere Principem ſolitum, non de eorum capitibus judicare. Decret. part. 1. diſt. 96. cap. 11, 12.

2. According to the Principles of that Communion, all Princes muſt ſubmit to, and obey the Definitions of their general *Councils*, and the Determinations of the *Church* in Caſes Spiritual, becauſe ſhe is their onely Guide in Spirituals: this being therefore a Spiritual Caſe, *viz.* how far the *Civil Magiſtrate* doth ſtand obliged to puniſh *Hereticks*, the *Romiſh Prince* muſt ſtand to her Determination in that matter, and therefore is obliged to act according to the Decrees forementioned which firmly are eſtabliſh'd by the *Church*, whatſoever Promiſes or Oaths he may have made unto the contrary. Now that the Cauſe of *Hereſie*, and of the Puniſhments to be inflicted on the *Heretick*, is by them judged a *Spiritual Cauſe*, with which the *Civil Power* muſt not intermeddle, is evident from that Decree of *Boniface* the Fifth, which ſtrictly doth forbid " all *Powers*, *Lords* " *temporal*, and *Rectors*, with their *Officers*, to judge " or take cognizance of that Crime, it being *meerly* " *eccleſiaſtical*, or to free them out of Priſon without " the Licence of the *Biſhops*, or *Inquiſitors*, or to re- " fuſe to execute the Puniſhments enjoyned by them, " or any way directly or indirectly to hinder their " Proceſs or Sentence, under the pein of *Excommu-* " *nication*,

Sexti *Decretal. l.* 5. *tit.* 2. *Cap.* Inquiſitionis negotium.

" *nication*, which if they obſtinately lye under for a " year, they are to be condemned as *Hereticks*; and this Decree is taken into the Body of the *Canon Law*, and is confirmed by the general *Council* of *Conſtance*, *Seſſ.* 45. " The Crime of *Hereſie* muſt be judged one- " ly by the *Eccleſiaſtical Court*, and the *Secular* muſt " not meddle with it, ſaith *Gregory* the Fourteenth, *Conſt.* 7. §. 6.

Bullar. *Rom.* *To.* 2. *p.* 708.

3. No Promiſes, Oaths or Engagements can oblige to the omiſſion of that which is our Duty, by the Confeſſion of all *Chriſtians*, they cannot bind, ſaith their own *Canon Law*, to any thing which is againſt the benefit of *Holy Church*; for according to the Determination of *Innocent* the Third, received into the Body of that *Law*, " they are not to be call *Oaths*, " but *Perjuries*, which are attempted againſt the Be- " nefit of the *Church*. They cannot bind againſt the Right of a *Superior*, for the ſame *Law* declares that " in any *Oath* that is taken, the Right of the *Superi-* " *or* muſt be ſuppoſed to be excepted; they cannot bind againſt the *Law*, or the *Canonical Sanctions*, " for otherwiſe, ſaith the ſame *Law*, " it is a raſh " *Oath*, and is not valid. Since then, according to the Doctrine of the *Church*, 'tis the Duty of all *Catholick Princes* to puniſh and extirpate *Hereticks*; they cannot be obliged by any Oath or Promiſe to neglect that Duty, ſince this Neglect is againſt *Law* and the *Canonical Sanctions*, againſt the plain Determinations of the *Supreme Tribunal*, and againſt the benefit of *H. Church*, no Oath or Promiſe can oblige them to it. And,

Non juramenta, ſed perjuria potius dicenda ſunt, quæ contra utilitatem Eccleſiaſticam attentantur. Decretal. l. 2. tit. 24. cap. 27. *quia non.*

Juramentum pradictum vos excuſare non poteſt, in quo debet intelligi jus Superioris exceptum. Ibid. cap. 19.

Debet ità intelligi, ut non obviet juri, aliàs tanquam temerarium non obligat. Cap. 21. *ad noſtrum.*

4. They who do claim a Power to abſolve *Catholick Princes* from their Contracts, Leagues and Engagements made to *Heretical Princes*, muſt have an

equal Power to abſolve them from Contracts made with their own *Heretical Subjects*, for ſure the Contracts made with Equals muſt be more firm than thoſe which we have made to our Inferiors; but the *Pope* claims, and oft hath exerciſed this Power of *abſolving Catholick Princes* from their Contracts made with other *Princes* on this account, becauſe they were made with *Hereticks*, or Perſons excommunicate. *Ergo*, &c. To give ſome few Examples of this matter, the Bull of (a) *Urban* the Sixth concerning this matter runs thus; "Amongſt the many Cares "which we continually are "preſt with, our chief con- "cernment is, to provide fit "Remedies for the preventing "the Subverſion of the Faith- "full by conſorting, or by par- "ticipating with *Schiſmaticks* "or *Hereticks*: and truly we "have lately heard, ſaith he, "that *Wencelaus*, King of the "*Romans* and *Bohemians*, and "*Charles* the *Emperor* have en- "tred into ſome Confederati- "ons, Leagues, Compacts or "Conventions with divers "*Kings*, *Princes*, *Dukes*, *Earls*, "*Grandees* and *Nobles*; ſome "of which *Kings*, &c. then "were, or afterwards have be- "come manifeſt *Hereticks* and "*Schiſmaticks*, being ſeparated "from the Union of the *Ro-*

"*man*

(a) *Inter ſolicitudines varias quibus aſſidue premimur, illa poriſſimum excitat mentem noſtram, ut circa ſalutem animarum Chriſti fidelium ſolicitis ſtudiis intendamus, & ne fidelet ipſi ex conſortio & participatione Schiſmaticorum ſeu Hæreticorum labefactari valeant, adhibeamus remedia opportuna. Ad noſtrum nuper pervenit auditum, quòd tam Wencelaus, Roman. & Bohem. Rex, quàm Carolus R. Imperator, ſimul, vel ſucceſſivè, nonnullas confœderationes, vel colligationes, ſeu ligas, aut conventiones cum diverſis Regibus, Principibus, &c. fecerunt, & quod aliqui ex hujuſmodi Regibus, Principibus, &c. tunc erant, ſeu poſtea ſunt effecti Schiſmatici ſeu Hæretici manifeſti, & ab unitate ſanctæ R. & univerſalis Eccleſiæ ſeparati: nos igitur attendentes quòd hujuſmodi confœderationes, colligationes & ligæ, ſeu conventiones factæ cum hujuſmodi Hæreticis aut Schiſmaticis, poſtquam tales effecti erant, ſunt temerariæ, illicitæ, & ipſo jure nullæ, & ſi fortè ante ipſorum lapſum in ſchiſma ſeu hæreſin factæ fuiſſent, etiamſi forent juramento ſeu fide datâ firmatæ, aut confirmatione Apoſtolicâ, vel quacunque firmitate aliâ roboratæ, poſtquam tales, ut præmittitur, ſunt effecti, eo ipſo tam Idem Rex, quàm alii, qui forſan una cum eo hujuſmodi confœderationes & cum talibus inierunt, & ad quos tales confœderationes quomodolibet extendi poſſunt, ab earum obſervatione abſoluti exiſtunt —— eundem Regem & omnes alios quorum intereſt, vel intereſſe poterit, authoritate Apoſtolicâ, tenore præſentium declaramus fuiſſe & eſſe ab earundem confœderationum, colli-*

" *man Church*, though not by " us declared ſuch, we there- " fore, conſidering that ſuch " Confederacies, Leagues, Com- " pacts or Conventions made " with theſe *Hereticks* and " *Schiſmaticks*, after they were " ſuch, are raſh, void and null " by Sentence of the *Law*; but " if they were made before " their falling into *Schiſm* and *Hereſie*, and confir- " med by an *Oath*, or by the *Apoſtolick See*, or by " whatſoever firmneſs, as ſoon as they become guilty " of theſe Crimes, the *King*, and all that with him " have entred into theſe Compacts, is abſolved from " the obſervation of them, and ought not to obſerve " them: therefore we, by our *Apoſtolical Authority*, " declare the ſaid *King* abſolved from them, and the " Compacts themſelves to be wholly void and null. Pope *Martin* the Fifth, in his *Epiſtle* to (b) *Alexander*, Duke of *Lithuania*, who had received the *Bohemians* into his protection, writes thus; " If thou haſt been any " waies induced to promiſe to " defend them, know, that " thou couldſt not pawn thy " Faith to *Hereticks*, the Viola- " tors of the H. Faith; and that " thou mortally offendeſt, if " thou doſt obſerve it. When (c) *Uladiſlaus*, King of *Hungary*, had made Peace with *Amarath* the *Turk* for Ten years, and had confirmed it

gationum, ligarum, ſeu conventionum obſervatione penitus abſolutas, & ad eorum obſervationem aliquatenus non teneri, illiſque quatenus de facto proceſſerunt, caſſamus, revocamus, ac nullius eſſe decernimus firmitatis; & tam eidem Regi quam etiam omnibus hujuſmodi aliis quorum intereſt, ſeu intereſſe poteſt, tenore præſentium diſtrictius inhibemus, ne confœderationes, colligationes, ligas aut conventiones hujuſmodi aliquatenus obſervent, ſeu ab aliis ſervari quomodolibet permittant. Bulla *Urbani* Sexti, in Biblioth. D. R. *Cotton.* Vide *Crakanthorp.* Defenſ. Eccleſ. Angl. cap. 83. p. 626, 627.

(b) *Quòd ſi tu aliquo modo inductus, defenſionem eorum ſuſcipere promiſiſti, ſcito, te dare fidem Hæreticis, Violatoribus ſanctæ fidei, non potuiſſe, & peccare te mortaliter ſi ſervabis. Cochlæus* Hiſt. Huſſit. l. 5. ad An. 1423. *Spondan.* ad An. 1422. §. 1. p. 779.

(c) *Fœdus cum* Amarathe *in decem annos ab* Uladiſlao *initum, idémque ſanctiſſimis juramentorum vinculis utrinque firmatum erat. Æneas Sylv.* ep. 81. *Bonfin.* l. 3. dec. 6. *Spondan.* ad An. 1444. §. 3. p. 904.

with

with an Oath; The Pope (d) *Eugenius* the Fourth writes to *Julian* the *Cardinal*, to perſuade him to violate that Peace, alledging and declaring, "that "no League made with the "Enemies of the *Chriſtian* "*Faith*; without conſulting "with the *Pope*, is valid: Hereupon the poor *King* is prevailed with to become a moſt perfidious Wretch, and fall upon the *Turk* unawares, which he obſerving, and, being ſtraitned in his Armes, pulls out the Articles of the Covenant, and, looking up to Heaven, cries out, (e) "O crucified "*Jeſus*, ſee the perfidiouſneſs "of this Nation, which, againſt "their *Oath*, have violated all "Right and Faith; and if thou "art a *God*, do thou revenge this *Perjury* upon them, which was no ſooner ſaid but the *Chriſtians* were put to flight, the perjur'd *King*, and the *Cardinal* who perſuaded him to violate his *Oath*, were both ſlain; *God* teaching us by this Example, ſaith * *Æneas Sylvius*, that *Oaths* are to be kept, when made, not onely with the Faithfull, but with Enemies. Pope *Innocent* the Third, in his *Epiſtle* to *Peter*, King of *Arragon*, writes thus: (f) "We "enjoin thy Serenity, by vir-"tue of the *Holy Spirit*, that "thou deſert the forenamed "People of *Toloſe*, and that "thou doſt not afford them "any

(d) Æn. Sylvius *ait* Eugenium *R. Pontificem —eâ re auditâ, ſcripſiſſe* Juliano, *nullum valere fœdus quod ſe inconſulto cum hoſtibus Religionis percuſſum eſt*, Uladiſlao *Regi, uti conventa diſſolveret, imperaſſe, juramenta remiſiſſe, novum inſtaurari bellum tum precibus, tum minis extorſiſſe. Spond.* ad An. 1444. §. 10. p. 907. Julianus *Cardinalis ait ſe eſſe quandoque publicæ ſalutis gratia, neque ſtare pactis quæ illi contraria, neque perfidis fidem ſervare—ac nè quâ Rex, procereſque tenerentur jusjurandi Turcis præſtiti Religione, eâ ſe illos auctoritate Pontificis, cujus legatione fungebantur, liberare. Spondan.* ibid. p. 905.

(e) *Hæc ſunt*, Jeſu Chriſte, *fœdera quæ Chriſtiani tui mecum percuſſere; per nomen tuum ſanctè jurantes, nunc, ſi Deus es, tuas, meáſque hîc injurias, te quæſo, ulciſcere. Bonfin.* Ibid.

* *Juramenta non ſolùm domeſticis fidei, ſed & hoſtibus ſervanda.* Ibid.

A. D. 1213.

(f) *Serenitati tuæ, in virtute Spiritûs Sancti, ſub obtentu Divinæ ac Apoſtolicæ Gratiæ providimus injungendum, ut prænominatos deſeras Toloſanos, non obſtante promiſſione, vel obligatione quacunque præſtitâ, in eluſionem Eccleſiaſticæ Diſciplinæ; ipſis quamdiu tales exiterint non impenſurus conſilium, auxilium vel favorem.* Concil. To. XI. p. 94.

" any Counſel, Aid or Favor, whilſt they continue " as they are, notwithſtanding any Promiſe or Ob- " ligation whatſoever made unto them, in eluſion " of the *Eccleſiaſtical Diſcipline.* *Paul* the Third, in his *Bull* againſt *Henry* the Eighth, *edit. A. D.* 1538. (g) " exhorts and requireth, in " the Lord, all *Chriſtian Princes* " ſhining in Imperial or Regal " Dignity, that they do not " under pretence of any Con- " federations or Obligations " whatſoever, although corro- " borated by frequently repea- " ted *Oaths*, or any other firm- " neſs, I ſay, he doth exhort them " not to yield to King " *Henry*, his Accomplices, Fa- " vorers, Adherers, Conſultors " or Followers, or any of them, " by themſelves or others, open- " ly or ſecretly, directly or indirectly, tacitly or ex- " preſly, any Counſel, Aid or Favor: And that they might not think themſelves obliged ſo to doe, he " abſolves them all from all Oaths or Obligations " made or to be made unto him or them, and de- " clares them to be void and null and of no ſtrength " and moment. And laſtly, *Pius* the Fifth abſolves not onely all the Subjects of Queen *Elizabeth*, but alſo " all others who had in any ſort ſworn to her.

(g) *Omnes & ſingulos Chriſtianos Principes, quacunque etiam Imperiali & Regali Dignitate fulgentes, hortamur &, in Domino, requirimus,* —*nè* Henrico *Regi per ſe, vel alium ſeu alios, publicè vel occultè, directè vel indirectè, tacitè vel expreſsè, etiam ſub prætextu confœderationum aut obligationum quarumcunque, etiam juramento, aut quavis aliâ firmitate roboratarum & ſæpius geminatarum, conſilium, auxilium vel favorem quomodolibet præſtent.* Bull. §. 15. ubi ſupra.

A quibus quidem obligationibus & juramentis omnibus, nos eos & eorum ſingulos —— *per præſentes abſolvimus, ipſáſque confœderationes & obligationes tam factas quàm in poſterum faciendas,* ——*nullius roboris vel momenti, nulláſque, irritas, caſſas, inanes, ac pro infectis habendas fore decernimus & declaramus.* Ibid.

Cæteros omnes qui illi quomodocunque juraverunt. Vide ſupra §. 17.

5. They who do claim a Power to abſolve Subjects from theſe Promiſes and Oaths by which they were obliged to yield Obedience to their *Heretical Princes*, muſt have an equal Power to abſolve *Catholick Princes* from their Promiſes and Oaths made to

Heretical Subjects, for ſure the Obligation of *Princes* to their *Subjects* cannot be greater than is that of *Subjects* to their *Prince:* Now it is known, that *R. Popes* and *Councils* claim the Power of abſolving Subjects from that Obedience which they have ſworn to yield to their *Heretical Superiors: Ergo*, by the ſame *Principles* they muſt have Power to abſolve *Catholick Princes* from thoſe Promiſes and Oaths which they have made to their *Heretical Subjects*. To give ſome Inſtances of this kind, (*h*) "Let "them know, ſaith *Gregory* the Ninth, "who were bound by "any Bond, how firm ſoever, "to perſons manifeſtly fallen "into *Hereſie*, that they are abſolved from that Fide- "lity, Obedience and Homage which they were obli- "ged to pay them: and this Decree is put into the Body of the *Canon Law*, and hath, ſaith (i) *Singleton*, been ſtill commended and obſerved in the *Church* practice about 400 years. The Truth and Modeſty of which Aſſertion as to the Limitation of it to 400 years, will be abundantly made good by theſe following Inſtances.

(h) *Abſolutos ſe noverint à debito fidelitatis, & totius obſequii, quicunque lapſis manifeſtò in hæreſin, aliquo pacto, quacunque firmitate vallato, tenebantur obſtricti.* Decretal. l. 5. tit. 7. cap. 16.

(i) *Tota Eccleſia pluſquam quatuor ſæculis hoc Decretum recepit, laudavit, & in praxi ſervavit.* Diſcuſſ. Decret. Concil. Lat. p. 98.

In the Eighth Century, *Sigonius* and others do inform us, that (a) "*Rome*, and "the *Roman* Dutchy were loſt "by the *Grecians*, by reaſon of "their wicked *Hereſie*, and got "by the *Pope* of *Rome*. That wicked *Hereſie* of *Leo Iſaurus*, which loſt him the *Empire* of the Weſt, was this, that he forbad the Adoration of Images, and pull'd them down everywhere,

(a) *Ità Roma, Romaniſque Ducatus à Græcis ad Romanum Pontificem, propter nefandam eorum hæreſin impietatémque pervenit.* Sigon. de Regno Italiæ, lib. 3. Et rurſus, *Extabant præclara* Gregorii 2. *&* 3. *exempla, qui* Leoni Iſauro *Imperatori Sacris interdicere, & juratâ Italiæ obedientiâ ſpoliare non dubitarant, uno eo crimine, quòd Imaginibus ſe inimicum præbuiſſet*, l. 9. p. 219.

everywhere, for this (b) *Gregory* the Second perſuades the *Italians* to revolt from him, as being a *Heretick*, abſolves them from their Oaths of Obedience to him, and ſtrictly doth forbid them to pay him any Tribute or Obedience; whereupon they, rejecting the *Emperor*, do bind themſelves by Oath to be obedient to the *Pope*. This is the Title by which the *Pope* holds *Rome* at preſent, even plain Rebellion and tyrannical Invaſion of his Sovereigns Eſtate and Dominions. Now "by this Action, ſaith *Baronius*, he left to poſterity a worthy Example, that *Heretical Princes* "ſhould not be ſuffered to reign in the *Church* of "*Chriſt*, if, being warned, they were found pertinacious in Error. The next Succeſſor of *Gregory* the Second, was (c) *Gregory* the Third, who "as ſoon as he "had obtained the Papal Dignity, by the conſent of the "*Roman* Clergy, deprived *Leo* "the Third, *Emperor* of *Conſtantinople* both of his *Empire* "and the Communion of the "Faithfull, becauſe he had "ſwept away the H. Images out of the *Church*.

(b) *Romanis ipſe perſuadebat, ſi perſtiterit* Leo, *ab eo tanquam Hæretico deficiant, ac tandem Italos jurejurandi religione abſolvebat.* Blond. Decad. 10. lib. 1. *Ità dignum poſteris reliquit exemplum nè in Eccleſia* Chriſti *regnare ſinerentur Hæretici principes, ſi, ſæpe moniti, in errore perſiſtere, obſtinato animo, invenirentur.* Baron. An. 730. §. 40.

(c) *Hic ſtatim ubi Pontificatum iniit, Cleri Romani conſenſu N. B.* Leonem *Tertium, Imperatorem Conſtantinopolitanum Imperio ſimul, & Communione Fidelium privat, quòd ſanctas Imagines è ſacris ædibus abraſiſſet, & Statuas demolitus eſſet, quòdque etiam de homouſio malè ſentiret.* Platina. p. 99. *Italia ab Imperatore Conſtantinopolitano,* Leone *hæretico Ichonomacho, Auctore* Gregorio *Tertio, Papa defecit.* Onuphrius ad An. 731.

In the Eleventh Century, *Gregory* the Seventh writes thus, (d) "either King "*Philip* of *France*, rejecting the "filthy Merchandiſe of *Symoniacal Hereſie*, will permit fit "perſons to be choſen into the "Government of the *Church*, "or

(d) *Aut Rex ipſe, repudiato turpi Symoniacæ hæreſis mercimonio, idoneas ad ſacrum Regimen perſonas promoveri permittet, aut Franci pro certo, niſi fidem Chriſtianam abjicere maluerint, generalis Anathematis mucrone percuſſi, illi ulterius obtemperare recuſabunt.* Greg. 7. Epiſt. l. 1. Ep. 35. Concil. To. 10. p. 34.

" or the *French* will refuſe to obey him any longer, " unleſs they had rather caſt away the *Chriſtian Faith*, " being ſmitten with the Sword of a general *Anathe-* " *ma*. Where you ſee plainly, that the *Pope* ſuppoſes *Hereſie* to be a Crime ſufficient not onely to juſtifie Subjects in their refuſal of Obedience to their lawfull *Prince*, but alſo to juſtifie him in excluding them from the Communion of *Chriſtians* who obey him.

In the Twelfth Century, to give the better Color to the Depoſition of *Henry* the Fourth and *Henry* the Fifth, it was firſt voted in a *Council* held at the *Late-*
Bin. To. 7. p. 533. *ran*, 1102. *that it was* Hereſie *to aſſert the Right of* Lay-men *to inveſt into Eccleſiaſtical Preferments*. And this Decree was renewed in a *Council* held at (e) *Vienna*, *Anno Domini*, 1112. and by another held at the *Lateran*, *A. D.* 1116. and, in purſuance of theſe Decrees, were theſe two *Emperors* depoſed. But notwithſtanding all the Thundrings of *Paſchal* the Second againſt *Henry* the Fourth, the *Church* of *Leod* ſtood firm to him, which ſo incenſed the good *Pope*, that he writes to *Robert*, Count of *Flanders*, to expel thoſe *Schiſmaticks* out of the *Church*: his words are theſe; (f) " It is juſt " that they who have ſeparated " themſelves from the *Church* " *Catholick*, ſhould be ſepara- " ted from the *Churches Beneſi-* " *ces*; whereſoever therefore " thou art able, do thou perſe- " cute *Henry* the Head of the " *Hereticks*, N. B. and all his " *Favorers*, with all thy might, " for

(e) *Dictante Spiritu S. inveſtiturum omnem rei Eccleſiaſticæ de manu laica, hæreſin eſſe judicamus.* Concil. Vien. *Bin.* To. 7. p. 549.

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(f) *Nam in hac non tantùm parte, ſed ubique, cum poteris*, Henricum *Hæreticorum Caput, & ejus Fautores pro viribus perſequaris, nullum profectò gratius Deo Sacrificium offerre poteris, quàm ſi eum impugnes qui ſe contra Deum erexit, qui Eccleſiæ Dei Regnum auferre conatur,—qui à Principibus Dei, ſanctis Apoſtolis, eorúmque Vicariis de Eccleſiæ domo Sancti Spiritûs judicio expulſus eſt. Hoc tibi, & militibus tuis in peccatorum remiſſionem & Apoſtolicæ ſedis familiaritatem præcipimus, ut his laboribus ac triumphis ad cœleſtem Hieruſalem, Domino præſtante, pervenias.* Paſchal. 2. Ep. 7. *Bin.* To. 7. p. 517.

" for truly thou canſt offer no more acceptable Sacri-
" fice to *God*, than by impugning him who hath
" lifted up himſelf againſt *God*; who by the Judg-
" ment of the *Holy Spirit* (*O horrid Blaſphemy*) is
" caſt out of the *Houſe of God* by the *Princes* of the
" *Apoſtles* and their *Vicars*; this we command thee to
" doe for the obtaining the Remiſſion of thy Sins,
" and the Familiarity of the *Apoſtolick See*; which,
as it ſeems, cannot be more effectually obtained by
any thing than by *Rebellion* againſt *God's Vicegerent*,
" and perſecuting him with all our might.

In the Thirteenth Century, in the year of our Lord 1245. Pope *Innocent* the Fourth aſſembles a general *Council* at *Lyons*, where he declares the Emperor *Frederick* the Second guilty of *Hereſie*, (g) " becauſe he vio-
" lated his *Oaths*, and becauſe
" he diminiſhed the Privilege
" granted to the Succeſſors of
" Saint *Peter*, in theſe words,
" *Whatſoever thou ſhalt bind on*
" *earth*, &c. and contemned
" the *Keys* of the *Church*, which,
" ſaith he, muſt be *Hereſie*, ſee-
" ing the *Civil Law* declares him
" a *Heretick*, and worthy to be
" puniſhed as ſuch, who in a
" light matter doth deviate
" from the Judgment of the
" *Catholick Religion*. Then follows his Depoſition of the *Emperor* in theſe words. " We
" therefore, after mature deli-
" beration had with our *Car-*

(g) *De Hæreſi quoque non dubiis & levibus, ſed evidentibus argumentis ſuſpectus habetur, plura ſiquidem eum commiſiſſe perjuria ſatis patet.——privilegium inſuper quod B. Petro, & Succeſſoribus ejus in ipſo tradidit Dominus, viz. quodcunque ligaveris, in quo utique authoritas & poteſtas Eccleſiæ R. conſiſtit, pro viribus diminuere, vel ipſi Eccleſiæ auferre ſategit. ——merito* p. 642. *inſuper contra eum de hæretica pravitate ſuſpicio eſt exorta, cum——claves Eccleſiæ contempſerit, ——& conſtanter aſſeruit ſe G. Papæ ſententias excommunicationis non vereri, ——cum Religioſas & alias Eccleſiaſticas jugi attriverit afflictione & perſecutione perſonas, ——nonne igitur* p. 644. *hæc non levia, ſed efficacia ſunt argumenta de ſuſpicione hæreſis contra eum, cum Hæreticorum vocabulo illos Jus civile contineri aſſerat, & latis adverſus eos ſententiis debere ſuccumbere, qui vel levi argumento à judicio Catholicæ Religionis & tramite detecti ſunt deviare——Nos itaque, ſuper præmiſſis, cum fratribus noſtris, & Sacro Concilio deliberatione præhabita diligenti,——memoratum Principem——omni honore & dignitate à Domino privatum denunciamus, ac nihilominus ſententiando pri-*

" *dinals*,

vamus, omnes qui ei juramento fidelitatis tenentur adſtricti à juramento hujuſmodi perpetuo abſolventes, authoritate Apoſtolicâ firmiter inhibendo nè quiſquam de cætero ſibi, tanquam Imperatori vel Regi pareat, & decernendo quoſlibet qui ei deinceps velut Imperatori Conſilium vel Auxilium præſtiterint, ſeu favorem, ipſo facto excommunicationis vinculo ſubjacere. Innocent. 4. in Concil. Lugd. Concil. To. XI. p. 645.

" *dinals* and with the *Sacred* " *Council*, upon the Premiſſes, " declare the forementioned " *Emperor*—deprived by God " of all Honor and Dignity, " and, by our Sentence, we " deprive him of them, perpe- " tually abſolving all his Sub- " jects from their *Oaths* of Fidelity to him, and by " our *Apoſtolical Authority* forbidding them to ac- " knowledge or obey him hereafter as *Emperor* or " *King*; and decreeing, that all who under that " Relation yield him Counſel, Aid or Favor, ſhall be " *ipſo facto* excommunicate.

Spond. *To.* 1. *p.* 188. *A. D.* 1254. *Innocent* the Fourth pronounceth an *Anathema*, on *Maunday Thurſday*, againſt *Ecelinus*, Governor of *Marchia Tarviſina*, as being a manifeſt *Heretick*, and frequently excommunicated upon that *p.* 197. account. And *A. D.* 1256. he gathers an Army of *Cruſado's* againſt him.

In the Fourteenth Century, *A. D.* 1322. *John* the Twenty ſecond excommunicates *Matthew*, Viſcount of *Milan*, his Sons and Abettors, as being *Hereticks* and *Schiſmaticks*, paſſeth upon them the Sentence of Deprivation of all their Goods, Depoſition from Spond. *To.* 1. all Office and Dignity Eccleſiaſtical and Secular, of *p.* 405. §. 5. Inhability to any other, and expoſes their Perſons to be ſeiſed upon, and treats with *Frederick* of *Auſtria*, King of the *Romans*, about ſending an Army into *Lombardy*, to ſuppreſs them.

p. 409. §. 2. *A. D.* 1323. *John* the Twenty ſecond commands *Lewis* of *Bavaria* to ceaſe from all Adminiſtration of the *Empire*, and never to aſſume it again, without the Approbation of the *Apoſtolick See*; and this was done,

done, as for other reaſons, ſo in particular for this, that *Lewis* had ſhewed Favor and Patronage to Viſcount *Galeatius*, and his Brethren, who had been lawfully condemned for *Hereſie*, and to ſome others who had rebelled againſt the *Church*. *An. Do.* 1324. this *Pope* pronounces the *Emperor* contumacious and deprived of all Right to the *Empire*, reſerving to himſelf the inflicting of other Penalties upon him, if ever he endeavour to meddle with the Adminiſtration of the *Empire*, or ſhould preſume to favor the forementioned *Hereticks* and *Rebels*, forbidding all the Subjects of the *Empire*, under moſt grievous Penalties, in any manner to obey him, to call him *Emperor*, or yield him any Aid or Favor. *An. Dom.* 1335. *Benedict* the Twelfth renews this Sentence of Pope *John*. And the next year the *Emperor* makes a large Promiſe of doing almoſt any thing the *Pope* would ask, and giving Power to his own Subjects to riſe up againſt him, if he did not perform it; and yet this was not thought ſufficient to expiate the Guilt of Favoring *Hereticks* and *Rebels* to the *Church* of *Rome*, and doing that which was at *Rome* eſteemed *Hereſie*. He therefore proceeds to confeſs that he had done ill in Favoring the *Viſcount* of *Milan* and others condemned by the *Church* as *Hereticks* and *Schiſmaticks*: That in his *Appeal*, made againſt *John* the 22d, he had ſaid many *heretical* things; that he would make a full Confeſſion of theſe things, and would ſupplicate for Abſolution; and take an Oath *ſtare mandatis Eccleſiæ*, to obey the Commands of the *Church*, and to extirpate *Hereticks*; and yet all this would not prevail for the obtaining of his Pardon. *A. D.* 1343. *Clement* the Sixth renews the ſame Sentence againſt the *Emperor*; and the Conditions which

p. 412. §. 3.

p. 453. §. 1.

p. 456. §. 23.

p. 457. ibid.

p. 474. §. 2.

An. Dom. 1344. he required, in order to his Abſolution, were, that
p. 478. §. 1. he ſhould confeſs his *Hereſies* and *Errors*, of which he was accuſed, and that he ſhould reſign the *Empire*, not re-aſſuming it, but by the Favor of the *Pope*; that he ſhould deliver up his Sons, Goods, and his whole concerns, into the hands and will of the *Pope*, all which the *Emperor* promiſed to doe; and yet this
p. 481. would not ſatisfie. *A. D.* 1345, and 46. the *Emperor*
p. 493. is again depoſed, and his Subjects are abſolved from their *Oaths of Allegiance* to him. So dreadfull was it even for *Emperors* to be eſteemed *Hereticks*, or *Favorers* of *Hereticks*, or *Friends* to them who have been *Rebels* to the *Church* of *Rome*.

p. 557. §. 1. *A. D.* 1363. *Urban* the Fifth pronounceth *Barnabas*, Duke of *Milan*, a *Heretick* and *Schiſmatick*, anathematized by the *Church*, and for that cauſe deprives him and his Poſterity of all Honor, Dignity, Privileges and Juriſdiction, abſolves his Subjects from their *Oaths of Fealty* to him, and alſo frees his *Wife* from the Bond of Matrimony; and he ſubjecteth all that did aid or favor him to the ſame Puniſhments; and granteth plenary Indulgence to all *Cruſado's* that would fight againſt him.

In the Fifteenth Century, *An. Dom.* 1453. (h) *Nicholas* the Fifth, in his Epiſtle to all the Faithfull, by his *Apoſtolical Authority*, excites *Charles* the 8th, *King* of *France*, to extirpate the perverſneſs of *Amideus*, Duke of *Savoy*, the *Antipope*, with all his *Favorers* and *Adherers*, as being guilty of *Schiſm* and *Hereſie*, and being therefore

(h) *Conſideratione præmiſſorum, diligenti cum fratribus noſtris deliberatione prahabitâ, ad ipſorum* Amidei *Fautorum proterviam extirpandam* —— Carolum *Francorum Regem auctoritate Apoſtolicâ, præſentium tenore vocamus, eique Ducatum Sabaudiæ, omnémque ipſius* Amidei, *notorii Schiſmatici, Hæretici excommunicati & anathematizati terram, ac ejus fautorum, adhærentium, complicum & ſequacium bona, diverſimode hactenus confiſcata, donamus.* —— *Et ut tam ſalubre negotium in Manu forti & robuſta procedat,* —— *noſ omnibus, qui cum Rege præfato, contra* Amideum *& ſequaces eoſdem, in propriis perſonis, propriiſque expenſis*

fore excommunicated and anathematized, and he moreover gives him all the Dominions and Goods belonging both to the *Duke* and all his *Favorers*, promiſing full pardon of all Sins, and an augmentation of the Rewards of eternal Life, to them who would go in perſon with the *King* of *France* to fight againſt them; and this he did after mature deliberation had with his good Brethren the *Cardinals*.

proceſſerint plenam ſuorum peccatorum veniam indulgemus, & in retributione juſtorum, vitæ æternæ policemur augmentum. Ep. 2. Concil. To. 13. p. 1322, 1323.

A. D. 1462. *Sigiſmundus Maletuſta*, for the Crime of *Hereſie*, is by Pope *Pius* the Second deprived of his Dominions and all his Goods. In the ſame year, *George*, King of *Bohemia*, ſends to Pope *Pius* the Second, deſiring him to confirm the Indulgence granted to the *Bohemians* by the general *Council* of *Baſil*, and confirmed by *Eugenius* the Fourth, concerning the Receiving the Communion in both kinds. The *Pope* anſwers by minding him of his *Coronation Oath*, in which he had promiſed Obedience to the *See* of *Rome*, and commands him therefore to comply with that *Church*. The *King* replies, that indeed he had ſworn, *hæreticam pravitatem è Regno abjicere*, to expell *Hereſie* out of his Kingdom, but that he never eſteemed the Receiving the Sacrament in both kinds to be *Hereſie*, and that he would live and die in the practice of it. Then the *King* enquires of the *Huſſites*, whether, if War ſhould be waged againſt him upon this account, they would ſtand by him? who anſwer, like good Subjects, that they would doe it with their Lives and Fortunes. But putting the ſame Queſtion to the *Catholicks*, they anſwer fraudulently, that when the Honor of God and Juſtice was not violated, they would not be wanting

Spond. To. 2. p. 88. §. 8.

p. 87. §. 5, 6, 7.

to aſſiſt the *King* and *Kingdom*. For this the *Pope* prepares to execute his Cenſures on the *King*, nulls the Contract of Agreement made betwixt him and his rebellious Subjects of *Breſlaw*, in which they promiſed ſubmiſſion to him, he abſolves them from their Promiſe, commands the *King*, and all other perſons, under the Penalty of Excommunication, not to hurt them, or to compell them to obey him, and exhorts all *Princes* to be aſſiſtent to theſe *Rebels* and *Trucebreakers*, againſt all Invaders. *A. D.* 1466. *Hynco*, one of the *King*'s Nobles, being beſieged by the *King* in a Town called *Zaraſte*, eſcapes privily in the night, and flys to *Paul* the Second, who preſently, in favor of this Criminal, pronounces an *Anathema* againſt all who did not preſently quit the Seige, and the Town notwithſtanding being taken, he ſends *Rudolph*, his Legate, to try the *Princes* of *Germany*, whether they would not hinder the *Pope*'s proceedings againſt King *George*; their Anſwer is, *that the Pope knew what was his Duty, and they would doe what became Catholicks; but that they could not break their League with him till the Church had declared him a Heretick.* In the mean time all the *Catholick* Nobility of *Bohemia* rebell againſt him, and deſire the *Pope* to abſolve them from their Oath of Obedience to him, which, when they had joyned with the Inhabitants of *Breſlaw* and other Rebels, is granted to them, the *King* himſelf is cited to *Rome*, *Rudolph* is commanded to procure Aid againſt him, and to gather an Army of *Cruſado's* for that purpoſe, which preſently he doth, and forceth the *King* from a Town that he beſieged. And, becauſe the *King* appear'd not at *Rome*, and deſiſted not from perſecuting the *Catho-*
p. 108. §. 2, 3. *licks*, by the Advice of the *Cardinals* and all the *Doctors*,

Doctors of *Divinity* and of the *Canon Law*, he is pronounced a perjured, ſacrilegious *Heretick*, then the *Pope* deprives him, as being a *Heretick*, of all Honor and Dignity, abſolves his Subjects from their Obedience to him, and declares him and his Poſterity uncapable of any Dignity; and laſtly, offers his Kingdom to *Caſimirus* King of *Poland*. p. 112. §. 6.

In the Sixteenth Century,

(i) "*Paul* the Third, *An. Do.* "1538. with the conſent of his "*Cardinals*, declares, that *Henry* "the Eighth of *England*, under "ſevere Penalties required his "Subjects to hold ſome Schiſ"matical and Heretical Articles, "amongſt which this was one, "That he himſelf, and not the "*Pope*, was the Supreme Head "of the *Church* of *England*: "Theſe Errors he requires him "to deſiſt from, and to abro"gate the Laws made againſt "the *Pope*'s Supremacy; decla"ring that if he did not yield "to this Injunction, he ſhould "incur the Sentence of the grea"ter Excommunication, under "which Sentence if he conti"nued Ninety days, and did "not within that time appear "at *Rome*, he, in the ſpace of "three days after, ſhould incur the Penalty of De"privation of his Kingdoms and Dominions paſſed "upon him. Moreover he "abſolves his Subjects "from

(i) *Quaſdam Leges ſeu generales Conſtitutiones edere non erubuit, per quas Subditos ſuos ad quoſdam Hæreticos & Schiſmaticos Articulos tenendos, inter quos & hoc erat, Quòd R. Pontifex, Caput Eccleſiæ & Chriſti Vicarius non erat, & quòd ipſe in Anglica Eccleſia ſupremum Caput exiſtebat, ſub gravibus etiam mortis pœnis cogebat, §. 1. habitâ itaque cum venerabilibus Fratribus noſtris S. R. E. Cardinalibus deliberatione maturâ, & de illorum conſilio & aſſenſu per viſcera miſericordiæ Dei hortamur & requirimus in Domino quatenus* Henricus *R. à prædictis erroribus prorſus abſtineat, & conſtitutiones ſeu leges prædictas revocet, caſſet & annullet, §. 4. hoc præcepit ſub majoris excommunicationis latæ ſententiæ pœna, §. 6. nec non rebellionis & quoad* Henricum *R. etiam perditionis Regni & Dominiorum prædictorum, §. 7. ipſiuſque* Henrici *R. ac Regni, omniumque aliorum Dominiorum, Civitatum, Terrarum, Caſtrorum, &c. Magiſtratus, Judices, Caſtellanos, Cuſtodes & Officiales quoſcumque, necnon Communitates, Univerſitates, Collegia, Feudatorios, Vaſſallos, Subditos, Cives, Incolas & Inhabitatores etiam forenſes, dicto Regi de facto obedientes, tam ſeculares quàm ſi qui ratione alicujus temporalitatis ipſum* Henricum *R. in ſuperiorem recognoſcant etiam Eccleſiaſticos, N. B. à juramento fidelitatis, jure vaſſalitico, & omni erga Regem & alios prædictos ſubjectione abſolvimus & penitus liberamus, §. 10. Bull. R. To. 1. p. 516. &c.*

" from their Oaths of Fealty of Subjection to him, " commanding them, under the Penalty of Excom- " munication, not to obey him or acknowledge him " as their *Superior*. *A. D.* 1570. *Pius* the Fifth de- *Vide ſupra*, §. 17. clares " Queen *Elizabeth* a *Heretick*, whereupon he " deprives her of her pretended N. B. Royal Right, " and all Dominion, Dignity and Privilege whatſo- " ever, and declares all her Subjects, and all others " who had ſworn to her, abſolved from their Oaths, " and from any Obligation of Allegiance or Obedi- " ence to her. *An. Dom.* 1585. *Sixtus* the Fifth pro- nounceth (k) " *Henry* of *Na-* " *var* and the *Prince* of *Conde* " to be *Sectaries* relapſed into " Error, manifeſt *Favorers* and " publick *Defenders* of *Secta-* " *ries*, that is, *Hereticks*, *Re-* " *bels* to the *Divine Majeſty*, " and *Enemies* to the *Catholick* " *Faith*; having done this, " he " deprives them and their Po- " ſterity for ever of their Do- " minions and Kingdoms, ab- " ſolving their Subjects from their Allegiance to " them, in theſe words, " By the Authority of theſe " Preſents we do abſolve and ſet-free all perſons as well " joyntly as ſeverally from any ſuch Oath, and from " all Duty whatſoever in regard of Dominion, Feal- " ty and Obedience, and do charge and forbid all " and every of them, that they do not dare to obey " them, or any of their Admonitions, Laws and " Commands. After the Death of *Henry* the Third, by the barbarous Murther of Fryer *Clement*, the *Pa- riſians* ſend to the *Sorbon Doctors* to know if it were lawfull

(k) Navarrum & Condæum *tanquam Sectarios & in Errore relapſos, Sectariorum Fautores, ac Defenſores publicos ac manifeſtos, Divinæque Majeſtatis Reos, & Fidei Catholicæ Hoſtes proſcribit*, & Navarrum *quidem omni Jure quod in Navarræ Regno ſibi competere contendit, & eâ parte quam nunc occupat excidiſſe*: Condæum *autem & utriuſque Succeſſores omni Principatûs, & Dignitatis jure in præſens & in poſterum pariter excidiſſe, indigniſque eſſe ipſos, & eorum Succeſſores qui in ullum Principatum, ac ſpeciatim in Regnum Franciæ ſuccedant, hac Sententia pronunciat, Subditoſque obſequii Juramento ſolvit.* Thuanus, l. 82. p. 45.

lawfull to ſubmit to *Henry* of *Borbon*, to whom the Crown of right belong'd; their Anſwer is at large recorded in *Thuanus*, and briefly is to this effect, "that *Catholicks*, by the *Divine Law*, were forbidden to "admit to the Kingdom a *Sectary*, or a *Favorer* of a *Sectary*, and a manifeſt *Enemy* of "the *Church*, much more one "that had relapſed, and was by "name excluded from the *Catholick Union* by the *Apoſtolick See*; that all who favor "or aſſiſt him were guilty of "damnable Sin, and would infallibly be damned, and all "that did reſiſt him unto bloud, "would dye *Martyrs*, and enjoy an everlaſting Reward in Heaven. But it is needleſs to multiply Examples of this nature in a caſe defined by two general *Councils:* Firſt, that of *Lateran*, under *Alexander* the Third, *A. D.* 1179. which *cap.*27. ſpeaking of certain *Hereticks* there mentioned, "let all men, ſay they, know, "who any way ſtand bound to "them, that as long as theſe "*Hereticks* perſiſt in their Iniquity, they are relaxed from "all Fealty, Homage and Obedience due to them. The Second is, the Fourth *Council* of *Lateran*, under *Innocent* the Third, which, as you have already heard, declares, that "if the *Temporal Lord* neglect to purge his Territories from *Heretical Pravity*, "notice muſt be given of his Remiſneſs to the *Pope*,

Ad hæc capita, poſt Spiritûs Sancti invocationem, N. B. reſponſum, Jure Divino N. B. prohiberi Catholicos hominem Sectarium, aut Sectarii mali Fautorem, & Eccleſiæ manifeſtum hoſtem, multòque magis relapſum, & à Sancta Sede nominatim ab Unione Catholica excluſum, ad Regnum admittere, — & quemadmodum qui Henrico *ad Regnum aſpiranti favent, aut Suppetias ferunt, Religionis Deſertores ſunt, & in peccato cum vitæ æternæ diſpendio degunt; ità qui ſe illi pro Religionis defenſione opponunt, plurimum apud Deum & homines mereri, & ut illos in hoſtis generis humani Regno ſtabiliendo pertinaces, æterna pœna manet, ſic hos, ſi ad ſanguinis uſque effuſionem reſiſtant, æternum in Cœlo præmium, &, ut Fidei Propugnatores, immarceſſibilem Martyrii Coronam proculdubio conſecuturos.* Thuanus, lib. 98. p. 70, 71.

Relaxatos autem ſe noverint à debito fidelitatis & hominii, & totius obſequii, donec in tanta iniquitate permanſerint, quicunque illis aliquo pacto tenentur annexi. Bin. To.7. p.662.

Concil. To. XI. p. 148, 149.

" that he from henceforth may pronounce his *Sub-*
" *jects* diſcharged from their Obedience, and give his
" Dominions to *Catholicks*.

Moreover, in compliance with theſe *Popiſh Principles*, we find that *Popiſh Princes*, who had made theſe Promiſes, did notwithſtanding proſecute their *Proteſtant Subjects* with the greateſt rigor, and act clear contrary to the Engagements made unto them. Our own Dominions will afford a ſad and lamentable Inſtance of this thing. For " when the men of *Nor-*
" *folk*, and a great Body out of *Suffolk*, deſired to
" know of Queen *Mary*, whether ſhe would alter
" the Religion ſet up in King *Edward*'s daies, ſhe
" gave them full Aſſurance, that ſhe would never
" make any Innovation or Change, but be conten-
" ted with the private Exerciſe of her own Religion.
" And, on the twelfth of *April*, ſhe made an open
" *Declaration* in *Council*, That, although her Conſci-
" ence was ſtayed in the Matters of Religion, yet
" ſhe was reſolved not to compell or ſtrain others,
" otherwiſe than *God* ſhould put into their hearts a
" perſuaſion of that *Truth* ſhe was in; but, notwith-
ſtanding theſe Engagements, as ſoon as ſhe was well eſtabliſhed in the Throne, ſhe preſently began, and did continually promote the Burning of her *Proteſtant Subjects* onely for their Religion ſake. Another Inſtance of like nature we have in *France*; where, notwithſtanding all the *Edicts* made in favor of the *Proteſtants*, " their *Temples* are demoliſhed, they are
" rendred incapable of all Charges of Magiſtrature,
" they are abandoned to Injuſtice and Violence;
" their Children are often taken up in the Streets,
" ſhut up in Cloyſters, and they never hear more of
" them; they are deprived of all means of gaining
" their

Dr. Burnet's *Hiſt. of the Reformation, B.* 2. *part* 2. *p.* 237.

See *The Policy of the Clergy of France, p.* 22. *p.* 32. *p.* 36. *p.* 40. *p.* 46.

" their livelyhood, and are not allowed to be of " Arts and Trades, though the *Declarations* and *Edicts* " expreſly bear they ſhall be received into them. In *England*, ſaith the *Hugonot*, there, " more Favor " hath been given to the *Catholicks* than was promi- " ſed them; but in *France*, where we live under fa- " vorable *Edicts*, they have promiſed us what they " have not performed; it is onely to us that they make profeſſion of not performing what they have promiſed; the *Edicts* of Pacification are in all the forms that perpetual *Laws* ought to be, they are ve- rified by the *Parliaments*, they are confirmed by a hundred *Declarations*, and by a thouſand *Royal words*, they have been laid as irrevocable *Laws*, and as *Foundations* of the *Peace* of the *State*, we rely upon the good Faith of ſo many Promiſes, and on a ſudden we ſee ſnatch'd from us what we look'd upon as our greateſt Security, thus there is neither *Title*, nor *Preſcription*, nor *Edicts*, nor *Arreſts*, nor *Decla- rations*, that can put us in Safety. p. 135.

§. XX. But laſtly, That which chiefly doth confirm this Truth is, the Proceedings of the general *Council* of *Conſtance* againſt *John Hus*, who being ſummoned by *Sigiſmond* the *Emperor* to appear before that *Coun- cil*, to take away all Fears and Jealouſies of what he might expect to ſuffer from them, the *Emperor* grants him *ſafe Conduct*, *Ut* Conſtantiam *veniens è converſo redire ad* Bohemiam *poſſit*, " to return from *Conſtance* " to *Bohemia*, and promiſeth he would receive him " into the Safeguard and Protection of the *Empire*; " and commanding all *Princes* of his *Dominions* to " permit him freely to come thither, ſtay and conti- " nue there, and to return from thence. But not- *Liber Epiſt* Joh. Huſſ. *ed. A* 1537. *f.* 1. *Ibid. f.* 2.

withſtanding this, he had not been above three weeks in *Conſtance*, but, contrary to his ſafe Conduct, he is thrown into priſon; which being done in the Emperor's abſence he returns to the *Council*, and argues the Caſe with them, upon which they paſs the Decree contained in the Ninteenth Seſſion of that *Council*, in theſe words; "This preſent "Sacred *Synod* declares that by "whatſoever *ſafe Conduct*, grant- "ed by the *Emperor*, *Kings*, or "other *ſecular Princes* to *Here-* "*ticks*, or ſuch as are defamed "for *Hereſie*, and by whatſoever "bond they have obliged them- "ſelves to the obſervance of it "no prejudice can ariſe, no im- "pediment can or ought to be "put to the *Catholick faith*, or "other *Eccleſiaſtical Juriſdicti-* "*on*, but that (notwithſtanding "the ſaid *ſafe Conduct*) it may "be lawful for any Competent and Eccleſiaſtical "Judge to enquire into the Errors of ſuch perſons, "and duly otherwaies proceed againſt them, and "puniſh them ſo far as Juſtice ſhall require, if they "ſhall pertinaciouſly refuſe to revoke their Errors; "yea, though they come to the place of Judgment, "relying upon ſuch *ſafe Conduct* and would not other- "wiſe come thither; nor doth he, who ſo promiſeth, "remain obliged in any thing, *having done what lies* "*in him*. And having paſſed this Decree, for the ſatisfaction of the *Emperor*, they pronounce *John Hus* guilty of *Hereſy*, and thereupon ſeven of the *Biſhops* ſolemnly degrade, and *commit his ſoul to the Devil*, his body

Præſens Sancta Synodus ex quovis ſalvo conductu per Imperatorem, Reges, & alios ſeculi Principes, Hæreticis, vel de hæreſi defamatis, putantes eoſdem ſic a ſuis erroribus revocare, quocunque vinculo ſe aſtrinxerint, conceſſo, nullum fidei Catholicæ vel juriſdictioni Eccleſiaſticæ præjudicium generari, vel impedimentum præſtari poſſe ſeu debere declarat, quo minus dicto ſalvo conductu non obſtante, liceat judici competenti Eccleſiaſtico de hujuſmodi perſonarum erroribus inquirere & alias contra eos debitè procedere, eoſdemque punire quantum juſtitia ſuadebit, ſi ſuos errores revocare pertinaciter recuſaverint, etiamſi de ſalvo conductu conſiſi ad locum venerint judicii, alias non venturi; nec ſic promittentem, cum alias fecerit quod in ipſo eſt, ex hoc in aliquo remanſiſſe obligatum, Bin. concil. To. 7. p. 1075.

Jam emittimus animam tuam Diabolo. Ibid.

body to the *Emperor*, who commands *Ludovicus*, *Duke of Bavaria*, to deliver him up to the *Executioners*, who there-upon commit his body to the flames. The queſtion then is whether the *Emperor* did not breake his Faith with *John Hus* in ſo doing, and whether the *Council* did not decree that neither he nor any elſe were bound to keep it in this caſe with *Hereticks*. And although this caſe be ſo plain and clear to all perſons who have any ſenſe of Juſtice and honeſty, that we dare to appeal to the moſt indifferent perſons in the world. Whether it be not a moſt notorious Violation of faith for *Sigiſmond* himſelf, after a ſolemn promiſe made to *Hus* of *ſafe Return*, to be the (*a*) inſtrument of his execution, and whether they, declaring that the *Emperor* had done what in him lay, as to the Obſervation of this Promiſe, do not expreſly declare, that (b) *Emperors* cannot hinder the Execution of an *Heretick*, when *H. Church* doth interpoſe for his deſtruction, what promiſes ſoever they have made of Safety to him? Yet that which moſt of all confirms this truth, is the conſideration of the Anſwers made by the Doctors of the *R. Church* to *Proteſtants* acuſing of this *Council*, as well they might, of favoring the Breach of promiſe made by *Catholicks*, to ſuch as they are pleaſed to call *Hereticks*; now the chief plea which *Becanus*, and after him the Author of *Labarynthus Cantuarienſis* makes to free the *Councils* from this imputation, is, *viz.* that "by that Decree the *Council*

(a) *Aberat tum fortè* Sigiſmundus, *& certior factus graviter tulit, eoque venit, ſed cùm Pontificii dicerent*, Non eſſe Fidem ſervandam Hæreticis, *non modo remiſit offenſionem, licèt Bohemi frequenter intercederent, & fidem ſervari peterent, ſed etiam primus omnium acerbè in eum pronunciavit. Sleidan.* Commentar. l. 3. p. 59.

(b) *Incinerationem* Joh. Hus, *Imperator non æquo animo tulit, propter ſalvum conductum ei datum. Reſpondit ei Sacroſanctа Synodus eum argui non poſſe de fide mentita, quia Concilium ipſum non dederat ei ſalvum conductum, &* Concilium majus eſt Imperatore, *& ideo non potuiſſe contra voluntatem Concilii id concedere, præcipuè in factis fidei. Nauclerus*, Gen. 48. p. 272.

Opuſc. To. 2. p. 149. qu. 5. §. 2. 3. Lab. Cant. p. 154.

" declares, that no *Secular Power*, how *Sovereign* ſo-
" ever, can hinder the Proceedings of the *Eccleſiaſti-*
" *cal Tribunal* in Cauſes of *Hereſie*; and conſequent-
" ly, if the *Emperor*, or any other *Secular Prince*,
" grants a *ſafe Conduct*, or makes Promiſe of any
" thing to the prejudice of that *Juriſdiction*, it ſhall
" not hold. The reaſon is, becauſe it is a Promiſe
" made of a thing not pertaining to the *Juriſdiction*
" of that *Prince*, nor wholly in his Power to ſee per-
" formed: Which, if I underſtand any thing, is
expreſly to ſay, that though in Caſes properly per-
taining to the *Prince's Juriſdiction* he muſt perform
his Promiſe, yet not in this of *Hereſie*; becauſe it
doth belong to the *Eccleſiaſtical Tribunal:* When
therefore the *Council* of *Conſtance* decrees, that no
Secular Power is obliged by any *ſafe Conduct* to any
thing that may hinder the *Eccleſiaſtical Tribunal's*
Proceeding in Caſes of *Hereſie*, what doth it elſe but
declare in expreſs Terms, that *Faith* is not to be kept
with *Hereticks*, that is, in any thing relating to their
Hereſie; for this it ſeems the *Magiſtrates* have no-
thing to doe with: and therefore let *Kings* and
Princes make never ſo ſolemn Promiſes and Engage-
ments to men ſuſpected of *Hereſie*, to their peril be
it who rely upon them, for they have nothing to
doe to promiſe in ſuch matters, and though their
Faith be given never ſo publickly and ſolemnly, they
are not bound to keep it: Nay, they are bound not
to keep it: For if they ſhould, it would be to the
apparent miſchief and prejudice of the *Church.* This
neceſſarily follows from their own words, and the
diſtinction here uſed by them: And alſo from the
words of the *Council*, for if *no ſafe Conduct of Empe-*
rors or Kings can prejudice the Catholick Faith, or
hin-

hinder the Eccleſiaſtical Juriſdiction from proceeding duly againſt Hereticks, and puniſhing them as far as Juſtice doth require, it cannot hinder the Execution of them by the *Magiſtrate* when they are given up to the *Secular Power* for that end; for, I ſuppoſe, the *Council* could not but eſteem the freeing *Hereticks*, condemned by the *Church*, from civil Puniſhments, a *prejudice to the Catholick Faith* and an *hindrance of the Eccleſiaſtical Juriſdiction*, by letting them eſcape who by that Juriſdiction were condemned to ſuffer what was due to *Hereticks*. So that the plain reſult of all is this, That no *Prince* ought to promiſe Safety to the *Heretick*; But if he does ſo, though it be more than he can doe, yet the *Church* can make that good uſe of it, that by that means ſhe may get the *Hereticks* under her Power, and when ſhe hath them, it is but then declaring this Promiſe to be null, and ſhe may doe with them as ſhe pleaſes.

§. XXI. Now to give you the Deſcription of a *Popiſh Prince* placed in the *Throne*, inveſted with the Power of the Sword, and ſettled in a *Kingdom*, where *Proteſtants*, that is, *damned Hereticks*, abound from the *Decrees* and the *Determinations* of their approved general *Councils*, and almoſt in their own Expreſſions, it is this, *viz.*

A *Popiſh Prince* is one who *as he doth deſire to be eſteemed a Chriſtian*, or a true Son of the *Church*, ſtands bound to wait on the *Inquiſitors* or *Catchpoles* of the *Church*, affording them his Aid and Favor, in finding out and apprehending, and in committing to the Gaol all *Hereticks*, with all that favor and abet them, that is, he is to doe the Office of a *Bailiff*, *Conſtable*, and a *Gaol-keeper* to a bloudy *Bonner*, or any other Perſon

Perſon deputed by his *Holineſs* for the Deſtruction of his *Subjects*. Moreover, as he would avoid the heavy *Cenſures* of the *Church*, he muſt oblige himſelf by *Oath*, not onely to rob and ſpoil his *Proteſtant Subjects* of their Goods, and put them into Chains and Fetters, but alſo to *exterminate them out of his Kingdoms and Dominions*, and when they are by the *Inquiſitors* or *Biſhops* delivered up into his hands, he muſt preſently commit them to the Flames, that is, he muſt perform the Office of the *Hangman* or *Executioner* for *H. Church*. And, if he be remiſs or backward in butchering his *Subjects* for their Conſcience ſake, he muſt then be deprived of all his *Dominions*, and they muſt be diſpoſed of to Perſons more enclined to act theſe bloudy *Tragedies* upon them. And, laſtly, if he hath bound himſelf by Promiſes or Oaths to deal more mildly with them, and to permit them to enjoy their own *Religion*, or hath engaged not to execute theſe Sanguinary Laws upon them, he muſt repent of this his horrid Wickedneſs, be falſe unto the *Oath* of *God*, and, in deſpite of all his Promiſes, he muſt effectually proceed to the Extermination and Deſtruction of them.

§. XXII. If he be backward or remiſs in executing of theſe Sanguinary Laws, he hath his ghoſtly *Fathers*, the *Archbiſhops* and *Biſhops*, who cannot, without *Perjury*, forget to ſpur him on to the effuſion of the Bloud of *Chriſtians*; for, by the *Oath* which theſe *Embaſſadors of Peace* do take at their Admiſſions to their Sacred Functions, they oblige themſelves (c) "to proſecute and "impugn to the utmoſt of their "power all *Hereticks*, *Schiſma-*

"*ticks*

(c) *Hæreticos, Schiſmaticos aut Rebelles, eidem Domino noſtro, vel Succeſſoribus prædictis, pro poſſe perſequar & impugnabo.* Pontif. Rom. edit. Antwerp. A. D. 1626. p. 59, & 86.

" *ticks* and *Rebels* to the *Pope*. If they be remiſs in this matter, they, by the *Conſtitution* of the Fourth general *Council* of *Lateran*, muſt loſe their high and rich Preferments; which, out of too much kindneſs to a *damn'd Heretick*, you may be ſure they will not doe. 'Tis from their Importunity that all theſe Sanguinary Laws of *Princes* had their riſe, 'tis they who have inſatiably thirſted after *Chriſtian Blood*, and, like Death, never ſaid they had enough; 'tis they who ſtabliſhed all the forementioned Laws, and who in *France* and *Germany* were ſtill taking *Council* together how to deſtroy their *Chriſtian Brethren*, more righteous than themſelves: " 'Tis they who do encourage and admoniſh one another carefully to " execute, obſerve and cauſe inviolably to be obſerved, by all their Subjects, all Laws made againſt " perſons infam'd or ſuſpected of any *Hereſie*, and againſt all *Receivers*, *Favorers* and *Defenders* of " them, and againſt *Secular Powers*, who being lawfully required, neglect to extirpate *Heretical Pravity* out of their Dominions. And with what Faithfulneſs and Zeal they have performed, in this point, their Oaths, a few late Inſtances will ſhew. The general *Council* of *Siena*, held *A. D.* 1423. exhorts, invites, admoniſheth all *Chriſtian Princes*, by the Bowels of the Mercies of *God*, and as they deſire to avoid the Divine Vengeance, and the Penalty of the Law, to be watchfull and intent to extirpate with all ſpeed the *Hereſie* of the *Wickleſiſts* condemned by the *Church*. A *Council* met at * *Paris*, under the *Archbiſhop* of *Sens*, *A. D.* 1528. and therefore called *Concilium Senonenſe*, renews all the Decrees of the Fourth general *Council* of *Lateran*, " excommunicating all *Hereticks*, and declaring all that

Can. 3. *vide ſupra*, §. 14.

Concil. Salisburg. *Can.* 32. *To.* 13. *p.* 325.

Concil. To. 12. *p.* 367.

* *Concil. To.* 14. *p.* 441, 442, 443.

" believe not as the *Church* of *Rome* believes, to be " *Hereticks*, condemning them to perpetual Impri- " ſonment, Confiſcation of their Goods, and decree- " ing that they ſhall be given up to the hands of the " *Secular Magiſtrate*, and commanding all *Biſhops* to " be diligent in Execution of theſe Laws, and all " *Governors* and *Conſuls* of *Cities* to take an *Oath* to " be aiding in this Work, according to their power. This done, they thus apply themſelves unto his *Chri-*
Francis the First. *ſtian Majeſty*, " We beſeech the moſt *Chriſtian King* " by the Bowels of the Mercy of *God*, for the ſin- " gular Zeal, and wonderfull Affection, and incredi- " ble Devotion which he beareth to the *Chriſtian* " *Religion*, he would forthwith expell all *Hereticks* " out of his Dominions and Territories, and would
p. 443. " exterminate them; And neceſſary, ſay they, is it " that all *Orthodox Princes* ſhould bend their whole " Endeavors, and exerciſe their whole power for the " deſtroying and chaſing away *Hereticks*, if they are " willing to conſult the good of *Chriſtianity*, or fear " the Ruin of the *Chriſtian Faith*; this is ſufficient " to work upon their Piety if they incline that way. To move them to this Butchery, with hopes of tem- poral and of eternal Advantages, they let them
Ibid. p. 462. know, that " though *God* is able to deſtroy the " *Hereticks* himſelf, yet ſuch *is his Goodneſs*, that " he would have men to be Co-workers with him in " this thing, and that he amply will reward all thoſe " that are ſo, and that it would be tedious to re- " hearſe the Glory and Felicity of them who, adhe- " ring ſtedfaſtly to the *Catholick Faith*, did ſlaughter " *Hereticks*, as being the Capital Enemies of the " *Crown*. And to deter them, if they be ſuperſtitious, with the dread of Puniſhments, they add, that, " on

" the

" the contrary, ſuch *Princes* as have been favorable to " *Hereticks*, and did not withſtand their *Errors*, found " the Vengeance of *God* againſt them, and, being de- " ſtitute of his Favor, fell into grievous Calamities, " and miſerably ended their Lives: We therefore, " conſidering theſe things, according to our Duty, " do inſtantly exhort all *Chriſtian Princes*, and, in the " *Lord*, beſeech them, that, as they deſire to conſult " their own Welfare, to keep the Rights of their " Dominions pure, as they deſire to keep the People " ſubject to them in Peace and in Tranquility, they " would, with powerfull Arm, defend the *Catholick* " *Faith*, and manly endeavor to ſubdue its Enemies; *Hoc profectò noſtrum deſiderium, hæc votorum ſummâ, hæc noſtri conatûs gloria, hoc eſt quod totâ mente expoſcimus, & aſſiduis precibus à Domino flagitamus*, i. e. the Effuſion of the Bloud of *Hereticks* is what we chiefly do deſire both of *God* and *men*, and to accompliſh this is our chief Glory. The *Council* of *Milan*, *A. D.* 1565. puts up the like Petition to the *Civil Magiſtrate* in theſe words, " We exhort *Princes*, and " the *Magiſtrates* of *Cities*, and by the *Bowels* of the " *Mercies* of *Chriſt* our *Lord*, we pray them, that, " preferring heavenly gain before earthly, they take " care to forbid all Traffick and Commerce with *He-* " *reticks*, in any of their *Towns* and *Cities*, and that " they ſuffer not their *Subjects*, upon theſe accounts, " to repair to any *Heretical Countries*, eſpecially that " they would be helpfull to, and heartily would fa- " vor (that Hell above ground) the *Sacred Inquiſi-* " *tion*, and, being deſired, would interpoſe their Au- " thority to that end; and what more they could " aske it is not eaſie to imagine. Bin. *To.* 9. *p.* 449.

But ſhould *Popiſh Princes* be remiſs in executi-

on of this Bloudy Work, they muſt expect to be ſtill quickned, if not threatned to it by that great *Malleus Hæreticorum* call'd his *Holineſs*. For this hath been the conſtant buſineſs of that *See* from the Twelfth Century till of late, to call upon all *Catholick Princes* to ruin both the Souls and Bodies of thoſe *Subjects* who refuſed to obey the *Church* of *Rome*, or become *Subjects* to his *Holineſs*. And to chaſtiſe thoſe *Princes* who did countenance any ſuch *Sects* or *Hereſies*, or who refuſed to deſtroy and murther them. How induſtriouſly they have promoted, how vehemently they have excited *Princes* and other *Governors* to theſe inhuman Perſecutions, will appear from the enſuing Inſtances collected from the *Annals* of their own *Spondanus*.

To. 1. p. 36. §. 4. p. 43. §. 3. In the beginning of the Thirteenth Century the Perſecution waxed hot againſt the *Albigenſes* and *Waldenſes*, by reaſon of the Fiery Zeal of *Innocent* the Third againſt them; who in the years 1208, and 1210. excited *Philip*, King of *France*, to fight againſt *Raimund*, the Count of *Toloſe*, and to expell him with his Adherents out of his Dominions, becauſe he was a *Favorer* of *Hereticks*. *A. D.* 1209. he promiſeth to all confeſs'd and penitent *Cruſado's*, that would take up Arms againſt them, the *Remiſſion of Sins*, and *Abſolution from Penance*, whereupon theſe *Cruſado's* beſiege, and take the *City* of *Beziers*, and deſtroy in it Sixty or Seventy Thouſand Souls.

p. 38. §. 7.

p. 41. §. 4. *An. Do.* 1211. *Innocent* the Third writes to the *Count* of *Toloſe*, not to receive into his Territories the *Albigenſian* and *Waldenſian Hereticks*, declaring that, if he ſhould neglect to obey this Command, he would give up his Dominions to be poſſeſſed by the *Exterminators* of *Hereticks*, as afterwards he did.

A. D.

A. D. 1229. *Gaufred*, the *Legate* of the *Apoſtolick See*, excites the *Citizens* of *Milan* to animadvert upon the *Hereticks*, by baniſhing and apprehending them, by deſtroying of their Houſes, by Confiſcation of their Goods, and other Penalties; and in the year following ſevere Laws were made againſt them there, by inſtigation of the *Pope*, and many *Hereticks* in *Lombardy* and *Germany* were burnt. p. 102. §. 8. p. 104. §. 4.

A. D. 1234. *Gregory* the Ninth excites *Ludovicus*, King of *France*, to reſtrain the *Albigenſian Hereticks*, and, in the ſame year, by the Authority of the ſame *Gregory*, expedition is made againſt the *Hereticks* dwelling in the Confines of *Saxony*, *Friſia* and *Bremen*, the *Croſs* is preach'd up, and the ſame Privileges which were granted to thoſe who went to the *Holy Land*, were promiſed to thoſe *Cruſado's* who ſhould take up Arms againſt the *Hereticks*. *An. Do.* 1235. He ſet forth an *Edict* againſt them, which cauſed many of them to be burnt. p. 116. §. 3. p. 117. §. 7. p. 120. §. 1.

A. D. 1238. Pope *Gregory* the Ninth excites *Bela*, King of *Hungary*, to fight againſt *Aſanus*, Lord of *Bulgaria*, becauſe he had revolted from the Obedience of the *Roman See* to the *Schiſm* and *Hereſie* of the *Greeks*, and he ſolicits the *Cruſado's*, gathered for the aſſiſtence of the *Holy Land*, to fight againſt him, by promiſing to them the ſame Privileges upon their expedition againſt him. p. 130. §. 10.

A. D. 1254. *Innocent* the Fourth ſets forth divers *Conſtitutions* againſt *Hereticks* and their *Favorers*, commands the *Croſs* to be preach'd up againſt them, and gives the ſame Privileges and Indulgences to all *Cruſado's*, who engage againſt them, which had been granted by a general *Council* to thoſe who went to the *Holy Land*. p. 188. §. 6.

p. 364. §. 16. *A. D.* 1307. *Clement* the Fifth ſent his *Legate* with an Army of *Cruſado's* againſt the *Dulciniſts*, who denyed the *Pope* and other *R. Prelates* to be true *Paſtors*, becauſe they lived not according to the Rules of the *Goſpel*, by which *Cruſado's* the *Dulciniſts* were forced up into the *Alpes*, where they were partly deſtroyed by the Sword, partly by Cold and Hunger; *Dulcinus* himſelf, with ſome of his Companions, being taken, they were brought to *Vercelles*, and there cut in pieces, and afterwards their ſcattered pieces were committed to the Flames.

p. 454. §. 4. *A. D.* 1335. *Benedict* the Twelfth excites *John*, King of *Bohemia*, and the *Biſhop* of *Almutz*, againſt ſome *Hereticks* who came thither out of *Germany* and the neighboring Places: And *Edward* the Third of *England*, againſt the *Hereticks* in *Ireland*, who ſaid the *Sacrament* was not to be adored.

p. 522. §. 12. *A. D.* 1352. *Clement* the Sixth writes to *Peter de Montibus*, an *Inquiſitor*, and to all *Prelates* and *Rectors* to perſecute the *Hereticks* in the Province of *Ambrun*, this Perſecution makes them fly into *Calabria*. And *An. Do.* 1353. *Innocent* the Sixth writes to the *King* of *Sicily* to aſſiſt the *Inquiſitors* of *Hereſie* againſt them there.

p. 580. §. 11. *A. D.* 1372. *Gregory* the Eleventh excites *Charles* the Fourth, *Emperor* of *Germany*, and other *Princes* of that Nation, to extirpate the *Hereticks* called *Begardi* and *Bequini*, who again ſprang up in *Germany*.

p. 582. §. 2. *A. D.* 1374. He writes to the *Archbiſhop* of *Prague*, and to *Charles* the *Emperor*, to puniſh one *Mallæſius* an *Heretick* and his Followers, and to aſſiſt the *Inquiſitors* in ſo doing.

p. 586. §. 5. *A. D.* 1375. The *Hereticks* abounding in the Provinces of *Dauphine*, *Savoy*, and other neighboring Places,

Places; the ſame *Pope* writes vehement Letters to the *Prelates* and *Rectors* of thoſe Provinces, and to *Charles*, King of *France*, to labor with the *Inquiſitors* to root them out of thoſe Provinces.

A. D. 1377. He writes to the *King* of *England*, and to the *Chancellor* of *Oxford*, to extirpate the Errors of *Wickliff*. p. 590. §. 5.

In the Fifteenth Century, *A. D.* 1409. *Alexander* the Fifth commands the *Wickleſiſts* to be apprehended and condemned as *Hereticks*, by requeſting the Aid of the *Civil Magiſtrate*. p. 718. §. 23.

A. D. 1422. *Branda*, a *Cardinal*, was ſent by *Martin* the Fifth, to proſecute the *Holy War* againſt the *Huſſites*. p. 779. §. 2.

A. D. 1427. *Martin* the Fifth gives to *Henry* of *Winton* ample Power to raiſe an Army of *Cruſado's* againſt the *Wickleſiſts* and *Huſſites*, promiſing to them the ſame Privileges which were granted to them who went to the *Holy Land*. p. 793. §. 1.

In the Sixteenth Century, When *Luther* came upon the Stage, *Leo* the Tenth, *A. D.* 1520. ſet forth a Bull againſt him, declaring, (*d*) that "ſince the *Church* of "*Rome*, *N.B.* had tranſlated the "*Empire* from the *Greeks* to "the *Germans*, ſhe had ever "found the *Germans* to be ſe-"vere Oppugners of all *Hereſie*, "witneſs the *Decrees* of the "*German Emperors* for the ex-"terminating *Hereticks* out of "their Dominions, the Con-"demnation of the *Huſſites*, "*Wickleſiſts*, and *Jerom* of "*Prague* by the *Council* of *Conſtance*; Witneſs the Bloud

(d) *Poſt tranſlatum ex Græcis, à R. Eccleſia, in eoſdem Germanos Imperium, iidem prædeceſſores noſtri, & nos ejuſdem Eccleſiæ Advocatos & Defenſores ex eis ſemper accepimus, quos quidem Germanos conſtat Hæreſum acerrimos Oppugnatores ſemper fuiſſe, cujus rei teſtes ſunt laudabiles illæ Conſtitutiones Germanorum Imperatorum pro libertate Eccleſiæ, proque expellendis exterminandiſque ex omni* Germania *Hæreticis: Teſtis eſt in Concilio* Conſt. *Huſſitarum ac Wickleſiſtarum, necnon* Hieronymi Pragenſis *damnata ac punita perfidia: Teſtis eſt toties contra Bohemos Germanorum ſanguis effuſus.* Bull. *Leonis* Decimi. Concil. To. 14. p. 391.

" Bloud they have ſo often ſhed againſt the *Bohemi-*
" *ans.* Wherefore, to ſhew the Care he bears for
" *Chriſtian Religion* and the *Or-*
" *thodox Faith*, (e) he, with
" his *Cardinals*, and many other
" *Divines* moſt skilfull in *Theo-*
" *logie*, and the moſt *Eminent*
" *Profeſſors* of both *Laws*, after
" mature deliberation, diligent
" examination and diſcuſſion of
" ſome Articles cited in this
" *Bull*, of which this is one, *viz.*
" *That it is againſt the will of*
" *the Holy Spirit, that Hereticks*
" *ſhould be burnt*, declares, that
" all thoſe *Articles* were contra-
" ry to the Doctrine and Tra-
" dition of the *Catholick Church*,
" againſt the Determinations of
" *Holy Fathers*, and the expreſs Ordinances and Ca-
" nons of *Popes* and *Councils*, which not to be obe-
" dient to is the Cauſe and Nouriſhment of all *He-*
" *reſies* and *Schiſms*. He therefore, with the Coun-
" ſel and Aſſent of the aforeſaid Brethren, pronoun-
" ceth all the aforeſaid *Articles* to be reſpectively *He-*
" *retical*, or *Scandalous*, or *Falſe*, and contrary to
" *Catholick Verity*, and, as ſuch, reprobates and damns
" them; decreeing, that all *Chriſtians* ſhall look up-
" on them as ſuch. And he
" (f) inhibits all *Kings*, *Empe-*
" *rors*, *Electors*, *Princes*, *Dukes*,
" *Marqueſſes*, &c. under the Pe-
" nalty of the greater *Excommu-*
" *nication*, to be actually incurr'd
" without

(e) *Nos igitur*, ——*habitâ ſuper prædictis erroribus*——*diligenti trutinatione, diſcuſſione, ac diſtricto examine, maturâque deliberatione cum venerabilibus fratribus S. R. E. Cardinalibus*, ——*pluribuſque aliis S. Theologiæ, necnon utriuſque Juris Profeſſoribus ſive Magiſtris, & quidem Peritiſſimis, reperimus eoſdem Errores non eſſe Catholicos*, ——*ſed contra Eccleſiæ Catholicæ Doctrinam & Traditionem, contra Sanctorum Patrum Determinationes, Conciliorum quoque & Summorum Pontificum expreſſas Ordinationes ſeu Canones, quibus non obtemperaſſe omnium Hæreſum & Schiſmatum fomes & cauſa ſemper fuit; de eorundem itaque Fratrum noſtrorum conſilio & aſſenſu*,——*præfatos omnes & ſingulos Articulos tanquam reſpectivè hæreticos, aut ſcandaloſos, aut falſos, & veritati Catholicæ obviantes damnamus, reprobamus*, &c. *ac pro damnatis, reprobatis ac rejectis, ab omnibus utriuſque ſexûs fidelibus haberi debere, harum ſerie decernimus ac declaramus.* Ibid. p. 394, 395.

(f) *Inhibentes ſub majoris Excommunicationis latæ Sententiæ pœnis*, ---*Regibus, Imperatoribus, Principibus, Ducibus*, &c. *nè præfatos Errores, aut eorum aliquos aſſerere, affirmare, defendere, prædicare, aut illis publicè vel occultè, tacitè vel expreſsè favere præſumant.* Ibid. p. 395, 396.

" without judicial proceeding, " to assert, affirm, defend, " preach, or publickly or se- " cretly, tacitly or expressly to " favor the aforesaid Errors or " perverse Doctrin of *Luther*; " and under the same Penalties " commands them personally to apprehend him, his " Accomplices, Adherents, Receivers and Favorers, " and to retain them till the *Pope* requires them, and " then to send them to him, for which good Work " he promiseth to reward them. And lastly, He doth " excommunicate and anathematize all Persons of " what state, degree, condition, preeminence, dig- " nity or excellency soever, who any ways do hin- " der the Publication of this *Bull* in their Domini- " ons.

Regibus, Imperatoribus, Electoribus, &c. mandamus, quatenus, sub prædictis omnibus & singulis pœnis, ipsi, vel eorum quilibet, præfatum Martinum, Complices, Adherentes, Receptantes & Fautores personaliter capiant, & Captos ad nostram instantiam retineant, & ad nos mittant, reportaturi pro tam bono opere, à Nobis & Sede Apostolica remunerationem præmiumque condignum. Ibid. p. 398, 399.

A. D. 1521. He pronounceth *Luther* a *Heretick*, and declares, that all Persons of what authority, dignity or condition soever, who did patronize or yield him any counsel, help or favor, had incurr'd the Penalties and Censures inflicted by the *Canons* upon *Hereticks*, and all the other Punishments contained in his former *Decree*. And he commands, that they should every where be denounced excommunicate, anathematized, accursed, interdicted, deprived of all Honour, Goods and Dignity, and that they and their Posterity should be uncapable of them for the future, and should by all men be avoided.

Spond. To. 2. p. 338. ad A. 1521. §. 1.

A. D. 1522. *Hadrian* the Sixth excites the *Princes* of *Germany* to extirpate the *Heresie* of *Luther*, and writes Letters both to the *Secular* and *Ecclesiastical Princes* to this effect, and particularly to *Frederick*,

p. 348. §. 13.

Duke of *Saxony*, in whoſe Dominions *Luther* dwelt, admoniſhing him to conſider how he could anſwer at the *Tribunal* of *Chriſt*, for cheriſhing a Mad-man and a Subverter of the Doctrine of the *Church*. And (*h*) "denouncing to him in "the Name of the Omnipotent *God*, and the *Lord Jeſus Chriſt*, that if he did "not return to a ſound Mind, "he ſhould hereafter be condemned to Hell Fire, and "ſhould not go unpuniſhed in "this preſent Word, but ſuffer by the Sword of *Cæſar* and the *Apoſtles See*. And to that end this *Pope* writes Letters to the *Electors* and other *Princes* of *Germany*, and ſends an Inſtruction to *Cheregata*, his *Legate*, how to proceed in this Matter.

(h) *Hoc tibi denunciamus in virtute Omnipotentis Dei & Domini noſtri* Jeſu Chriſti, *cujus in terris Vicarius ſumus, nec te in præſenti ſeculo latuturum impunè, & in futuro æterni te ignis exſpectare incendium.* ——*quare revertimini ad Cor, & reſipiſcete, Tu, tuique miſere ſeducti* Saxones, *niſi utrumque gladium, Apoſtolicum ſimul & Cæſareum, olim velitis experiri.* Bull. *Adrian.* Sexti, apud *Bin.* To. 9. pag. 180.

p. 375. §. 24. *A. D.* 1525. *Clement* the Seventh exhorts the *Senate* of *Paris* to puniſh the *Lutheran Hereſie* ſprung up amongſt them, profeſſing that he himſelf will ſpare no Diligence or Induſtry in that Cauſe.

p. 704. §. 25. *A. D.* 1568. *Maximilian* grants to the Nobility of *Auſtria* the free Exerciſe of the *Auguſtan Confeſſion* in their Towns, Caſtles and Villages, which when *Pius* the Fifth hears of, he preſently ſends to him the *Cardinal* of *Commendonum* to hinder it, or if he could not hinder it, to declare by the *Apoſtolical Authority*, that the *Pope* would inflict upon him, if he did not ſuddenly reſcind that *Decree*, all the *Eccleſiaſtical Penalties* and *Execrations*, and would deprive him of his Dominions, and take care that another ſhould be choſen *Emperor*.

A. D.

A. D. 1585. *Sixtus* the Fifth exhorts the *King* of *France*, that, being mindfull of his Oath which he had taken at his *Coronation*, *De omnibus Hæreſum atque Sectarum Seminibus extirpandis*, to extirpate all the Seeds of *Hereſie* and *Schiſm*, he would effectually perform it. p. 822. §. 17.

THE END.

Books lately Printed for *Thomas Baſſet* at the *George* in *Fleetſtreet*.

THE *Hiſtory* of *Romiſh Treaſons* and *Uſurpations*; together with a particular Account of many groſs *Corruptions* and *Impoſtures* in the *Church* of *Rome*, highly diſhonourable and injurious to *Chriſtian Religion*: to which is prefix'd a large *Preface* to the *Romaniſts*, carefully collected out of a great number of their own approved Authors: By *Henry Foulis*, B. D. late Fellow of *Lincoln-Colledge* in *Oxford*.

An

An *Inſtitution* of *General Hiſtory*, or, The *Hiſtory* of the *World*; being a compleat Body thereof: In Two Parts; the Firſt, from the Beginning of the World till the Monarchy of *Conſtantine* the Great; wherein are deſcribed the ſeveral Empires and the Contemporaries with them, all diſtinctly and by themſelves; and yet linked together by Synchroniſms: As alſo the Forms and Models of Governments, with the Power and Nature of their reſpective Magiſtrates, Cuſtoms, Laws and Antiquities. The Second Part containing that of the *Roman Empire*, its flouriſhing Condition, its middle or neutral State, and its Ruin and Downfall in the Weſt; from the Monarchy of *Conſtantine* the Great, to the Taking of *Rome* by *Odoacer*, King of the *Heruli*, and the erecting of a Kingdom of *Barbarians* in *Italy*; with an Account of the Polity of the Empire, and of the ſeveral Laws of moment made during the Reigns of the Emperors both in Eaſt and Weſt to this Period. By *William Howell*, LL. D. ſometimes Fellow of *Magdalen* College in *Cambridge*.

21034

A

DISCOURSE

Concerning

THE LAWS

Eccleſiaſtical and Civil

Made againſt *HERETICKS*

BY

POPES, EMPERORS and *KINGS*,

Provincial and *General Councils*,

Approved by

The CHURCH of *ROME*:

SHEWING,

I. What *Proteſtant Subjects* may expect to ſuffer under a *Popiſh Prince* acting according to thoſe Laws.

II. That no *Oath* or *Promiſe* of ſuch a *Prince* can give them any juſt Security that he will not execute theſe Laws upon them.

With a *PREFACE* againſt Perſecuting and Deſtroying *Hereticks*.

By a *Cordial Friend* to the *Proteſtant Religion* now by Law eſtabliſhed in theſe Realms.

Tantum Religio potuit ſuadere malorum, Lucret.

LONDON,
Printed for *Thomas Baſſet*, at the *George* in *Fleetſtreet*, 1682.

" alone, and without the ſpecies of Wine, there is " the true Fleſh, and Bloud, and Soul, and *Deity* of " *Chriſt*, and whole *Chriſt*, (in his broken body) " and the ſame *Chriſt* abſolutely, and under every " one of the ſpecies in particular, (*i. e.*) whether there be one *million* of *Chriſts*, and yet but one.

5. " Whether he believes, That the Cuſtom of " communicating *Lay-men* in the ſpecies of Bread a- " lone, —approved by this Holy *Council*, be to be " obſerved, ſo that it is not lawfull to change it with- " out the *Authority* of the *Church*, (*i. e.*) whether he hold that the *Council*, forbidding what *Chriſt* commands, is to be obeyed before *Chriſt*.

Pag. 1125. 6. " Whether he believes, That the *Pope*, being *ca-* " *nonically* elected, is the Succeſſor of St. *Peter*, and " hath *ſupreme Authority* in the whole *Church* of God? with many *Queſtions* of the like nature, containing the whole *ſuperſtition* of the *Church* of *Rome*.

(d) *Si qui vero ex eis juramenti Religionem obſtinatione damnabili reſpuentes, jurare fortè noluerint, ex hoc ipſo tanquam Hæretici reputentur.* Concil. Lat. quartum, Can. 3. Concil. To. XI. p. 152.

* *Qui autem de Hæreſi per Judicem competentem Eccleſiaſticum inventi fuerint ſola ſuſpicione notati, ſeu ſuſpecti, niſi —propriam innocentiam congrua devotione monſtraverint, in purgatione eis canonicè indictâ deficientes, & ſe canonicè purgare non valentes, aut pro hujuſmodi purgatione facienda obſtinatione damnabili jurare renuentes, tanquam Hæretici condemnentur.* Concil. Conſt. Seſſ. 45. *Bin.* To. 7. p. 1121.

(e) *Tam ad Regnum* Bohemiæ, *& convicinas illi, quàm alias quaſlibet partes in quibus hæc ſuperſtitioſa doctrina quomodolibet pullaverit.* Ibid.

2. (d) " If any perſon whom " they ſuſpect to be guilty of " *Hereſie* will not undergo their " *canonical Purgation*, or by a " *damnable obſtinacy* refuſes thus " to ſwear in order to his Pur- " gation, he is to be condem- " ned as an *Heretick*; ſo the 4th general *Council* of *Later.* and the general *Council* of * *Conſtance.*

3. This Power is given to " *Archbiſhops*, &c. throughout all " (*e*) parts of the World where " any *Hereſie* ariſeth, *viz.* to " make theſe Enquiries, and " proceed accordingly; ſo that no

no *Countrey*, where this *Religion* doth obtain, can expect any thing but a continual *Butchery* of all that will not be moſt groſs *Idolaters*. And,

4. They command their (f) Officers "to proceed againſt, "and to condemn as *Hereticks*, "all perſons of whatſoever "Dignity, Office, Preeminence, "State and Condition they "ſhall be, and by what names "ſoever they are called, who "think otherwiſe of the Sacra"ment of the Body and Bloud "of *Chriſt*, or of *Baptiſm*, or "of *Confeſſion* of Sins, or Pe"*nance*, or any other Sacra"ments, or Articles of Faith, "than the *H. Roman Church* and *Univerſal* teacheth, "and as *Hereticks*, to give them over to the Civil "*Magiſtrate. Concil. Conſtan. ibid.* And,

(f) *Mandamus quatenus vos Archiepiſcopi, Epiſcopi, & Electi, & quilibet veſtrum, per ſe ſeu alium, vel alios, quos graves & idoneas perſonas ſpiritualem Juriſdictionem habentes eſſe volumus, omnes & ſingulos cujuſcunque dignitatis, officii, præeminentiæ, ſtatus vel conditionis exiſtunt, & quibuſcunque nominibus cenſeantur, qui de præexcelſo——Sacramento corporis & ſanguinis Domini noſtri* Jeſu Chriſti, *vel de baptiſmate, ſeu peccatorum confeſſione, pœnitentiæ pro peccatis, injunctione, vel reliquis Eccleſiaſticis ſacramentis, ſeu fidei articulis, aliter ſentire aut docere quàm ſacroſancta R. Eccleſia & univerſalis docet, prædicat & obſervat, ——tanquam Hæreticos judicetis, & velut Hæreticos ſeculari curiæ relinquatis.* Concil. Conſtant. Seſſ. 45. apud *Bin.* To. 7. p. 1120.

5. They renew the Conſtitution of (g) *Boniface* the Eighth, concerning the *Inquiſition*, "requiring and comman"ding all *Powers*, and *Lords* "temporal, and *Judges*, of "whatſoever Dignity, Name "or Office, as they deſire to "be reputed *Chriſtians* and "Sons of the *Church*, and to "glory in the Name of *Chriſt*, "that they obey, and attend "theſe *Inquiſitors*, and other "*Eccleſiaſtical perſons* deputed,

(g) *(Conſtitutionem) Felicis Recordationis* Bonifacii *Octavi quæ incipit, ut Inquiſitionis negotium, renovantes, & etiam exſequentes, univerſos Poteſtates, & Dominos temporales, & Judices antedictos, quibuſcunque dignitatibus, vel officiis, ſeu nominibus cenſeantur, exhortando requirimus, & mandamus eiſdem, ut ſicut reputari cupiunt, & haberi fideles, ac filii Eccleſiæ nuncupari, & in* Chriſti *nomine gloriari ita pro defenſione Fidei vobis Archiepiſcopis, Epiſcopis, & Electis, ac Inquiſitoribus hæreticæ pravitatis, & aliis Judicibus ſeu perſonis Eccleſiaſticis per nos ad hoc——deputandis, fidem & communionem Sanctæ Matris Eccleſiæ tuentibus pareant & intendant, præſeánque auxilium & favorem, in hæreticorum, neznon credentium, fautorum, receptatorum, & defenſorum ipſorum inveſtigatione, captione, cuſtodia di-*

ligenti, cum ab iisdem fuerint requisiti. Ibid. p. 1121. Vid. Sexti Decretal. l. 5. tit. 2. c. 18. " or hereafter, by the *Apostolical* " *See*, to be deputed, for the " finding-out and punishing of *Hereticks*, affording " them their aid and favour in finding-out, apprehen- " ding and imprisoning them, and all that do believe, " favour, receive or defend them. And so much for the Laws made for inquiring after *Hereticks*.

§. VI. 3. The Laws which do concern the Punishment of *Hereticks*, when they are once discovered and apprehended, are either such as do declare what Punishments shall be inflicted on them; or such as do oblige men to inflict those Punishments upon them. Now the Punishments which by their Laws must be inflicted on them are these following, *viz. Excommunication, Confiscation of their goods, Imprisonment, Exile, Death.* Concil. Bitter. *An. Dom.* 1246. *Can.* 2. And,

Concil. To. XI. p. 688.

1. " They must be *excommunicated*, with all their " *Favourers*, every week, saith the *Council* of *Beziers*, *A. D.* 1233. *Can.* 1. and *An. D.* 1246. *Can.* 8. And the *Council* of *Alby*, *Can.* 19. They are actually *excommunicated* saith their *Canon Law.* This Sentence doth pass upon them yearly in the *Bulla Cœnæ.*

Pag. 453. *Pag.* 679. *Pag.* 726. *Decretal. l.* 5. *Tit.* 7. *c.* 13.

2. They must lose all their Goods.

For (1.) whosoever apprehends them (which all have liberty to do) hath free leave to take from them all their Goods, and full right to enjoy them. *Const.* Innocentii *IV. cap.* 2. And this Punishment, saith *Innocent* the Third, " we command to be exe- " cuted on them by the *Princes*, and *Secular Powers*, " who shall by *Ecclesiastical Censures* be compelled " thereunto.

Concil. To. XI. p. 605.

7. *Decretal. l.* 5. *Tit.* 7. *cap.* 10.

Moreover, after the Sentence is pronounced against

gainſt them, "their Goods, if they have any ſtill re-
"maining ſhall be all confiſcated, and never ſhall
"return unto them. *Conſt.* Fred. 2. *Concil. Bitterrenſe*, *To. XI. p. 622.*
Can. 3. *p.* 678. *Statuta* Raimundi, *Com. Toloſ. pag.* 449,
450. *Concil. Arelat. A. D.* 1234. *Can.* 5. *p.* 2341.

"The very Houſe in which the *Heretick* is found
"muſt be deſtroyed and never built again, and the
"ground muſt be confiſcated, and ſo muſt all the o-
"ther Houſes contiguous to it, if they belong to
"the ſame perſon, (unleſs it appear to the *Inquiſi-*
"*tors* that the *Lords* of them were wholly inculpa-
"ble) and all the Goods of them muſt be ſold, or
"become his that takes them. Innocent. 4. *cap.* 26. *Ibid. p.* 607.
Clem. 4. *Conſt.* 13. *Leg.* 25, 26. *Concil. Toloſ. Can.* 6. *p.* 428.
Concil. Bitterr. Can. 35. *p.* 694. *Concil. Albien. Can.* 6. *p.* 449.
p. 723. *Stat.* Raimundi *Comit. Toloſ. Concil. provinc.* 450.
Narbon. Can. 35. *p.* 694.

3. They are to be impriſoned without delay.

And when they have them thus in hold, the *Go-*
vernour is, by the Conſtitutions of Pope *Innocent* the
Fourth, obliged "to compell them by any Puniſh- *Citra diminutio-*
"ments which do not diſmember them, or endanger *nem membri, & mortis periculum.*
"their death, expreſly to confeſs their Errors, and to *To.* 11. *p.* 607.
"accuſe all other *Hereticks* they know of, and the
"*Believers*, *Receivers*, or *Defenders* of them, and to
"tell where their Goods are. *Conſt.* Innocent. 4. *Bullar. R. To. I.*
cap. 25. Which Conſtitution is received by *Clemens* *p.* 174.
the Fourth, *Conſt.* 13. *Leg.* 24. and is the ground of all
the *Helliſh Cruelties* which thoſe poor Creatures meet
with in the *Inquiſition.*

§. VII. 4. They muſt be baniſh'd, exterminated,
or driven out of all places where they are. For the
Council of *Cologne* commands "all that are ſubject to *Concil. To.* 12.

" it to riſe up againſt *Hereticks*, their *Favourers* and " *Receivers*, and faithfully to procure their Extermi- " nation. *Can.* 9. *A. D.* 1425. *p.* 363, 364. And in order hereunto,

1. All ſecular Powers muſt ſwear to expel *Here-*
To. XI. p. 622. *ticks* out of their Dominions. The Conſtitutions of the Emperour *Frederick* the Second run thus, " We " make a perpetual Decree, That the *Officers*, *Con-* " *ſuls*, *Rectors*, whatſoever Office they enjoy, ſhall, " in defence of the Faith, take a publick Oath, That " they will honeſtly endeavour with their utmoſt " power to expell all *Hereticks*, as ſuch condemned
Ibid. p. 423. " by the *Church*, out of their Territories. And all " that ſhall be admitted hereafter to any place of Go- " vernment temporal or perpetual, ſhall be bound to " take this Oath, or loſe his Government. *Ludovicus* the Seventh, *King* of *France*, with the advice of his
Concil. To. XI. Nobles, ſets forth his *Edicts* againſt *Hereticks*, " com-
p. 423, 424. " manding all his *Barons*, *Bailiffs*, and other Sub- " jects preſent and future, to be ſolicitous and intent " to purge their Territories from *Hereticks* and *he-* " *retical* Filth, and to ſwear to the obſervation of this " and all the other Statutes made againſt them. They " muſt ſwear to doe their endeavours to exterminate " out of their Dominions all *Hereticks*, *Believers*, *Re-* " *ceivers*, *Favourers*, or *Defenders* of them, ſaith the
p. 726. *Council* of *Alby*, *Can.* 20. The *Council* of *Arles* gives
Concil. To. XI. power to the *Biſhop* to compell them by *Church Cen-*
part. 2. *p.* 2340. *ſures* to take this Oath. *Can.* 3. See the like, *Concil. Bitter. Can.* 9. *p.* 679, 680. *Concil. provinc. Narbon. Can.* 32. *p.* 693, 694.

The Conſtitutions of *Innocent* the Fourth decree, " that every Governour in *Lombardy*, having called
To. XI. p. 605. " a Common *Council*, ſhall put forth his *Edict*, to " baniſh

" baniſh all *Hereticks* from under his Juriſdiction, and " to declare, That none of them ſhall ſtay within his " Juriſdiction. *Conſt.* 2. So alſo doe the Conſtitutions of *Clement* the Fourth, *Conſt.* 13. *Leg.* 2. Now, for the better Execution of this Puniſhment, it is decreed, Bull. *Rom. To. I.* p. 173.

§. VIII. 1. " That if any Governor knowingly per- " mit a *Heretick* to abide in his Dominions he ſhall be " excommunicated. *Concil. Bitterr. Can.* 2. *p.* 677.

2. " That whoſoever, having temporal Dominion, " neglects to proſecute thoſe who by the *Church* are " denounced *Hereticks*, or to exterminate them out " of his *Province* or *Dominion*, is to be deem'd a " grievous *Favourer* of *Hereticks*. *Concil. Narbon. Can.* 15. *Incomparabiliter Reus*, p. 492.

3. " He who knowingly permits a *Heretick* to a- " bide in his *Dominions* ſhall for ever loſe them. " And his Body ſhall be in the Power of his *Lord*, " to doe with him as he ought. *Concil. Toloſ. Can.* 4. *Concil. Bitterr. Can.* 2. *p.* 677. *Concil. Alb. Can.* 5. *p.* 725. *Concil. To. XI.* p. 428.

" If the *temporal Lord* being required ſhall neglect to " purge his Territory from *heretical Pravity*, after one " year elapſed from the time of his Monition, *ſaith the Emperour* Frederick, " we expoſe his Territories " to be ſeized by *Catholicks*, who, having exterminated the *Hereticks*, without contradiction ſhall " poſſeſs it, and preſerve it in the Purity of Faith, " ſo as no injury be done to the right of the *ſuperiour* " *Lord*, who doth not any way oppoſe this Proce- " dure; provided notwithſtanding that the ſame Law " take place againſt them who have no *principal Lords*. *Conſt.* Fred. 2. And this his Conſtitution is confirmed by *Honorius* the Third. *Conſt.* 1. p. 622. Bull. *Rom. To. I.* p. 90.

§. IX.

§. IX. Now all theſe Conſtitutions of *Popes*, *Kings*, *Emperours*, *Provincial Councils*, are alſo confirmed by the approved general *Councils* of the *R. Church*; and are extended and enlarged by them to *Kings*, *Emperours* and *Supreme Governours*, and ſo they are not onely Conſtitutions of State, or of the *Court* of *Rome*, but alſo of the whole *Church* of *Rome*. For,

1. The Fourth general *Council* of (a) *Lateran* begins the Chapter againſt *Hereticks* thus, "We excommunicate and anathematize every *Hereſie* extolling it ſelf againſt the *H. Orthodox Catholick Faith*, which we have now expounded, condemning all *Hereticks* by what names ſoever they are called. (b) We anathematize them, their Defenders and Receivers, ſaith the Third general *Council* held there.

(a) *Excommunicamus & anathematizamus omnem Hæreſim extollentem ſe adverſus hanc ſanctam orthodoxam Fidem quam ſuperius expoſuimus, condemnantes univerſos Hæreticos quibuſcunque nominibus cenſeantur.* Concil. Lat. Can. 3. Concil. To. XI. p. 148.

(b) *Eos & Defenſores eorum & Receptores Anathemati decernimus ſubjacere.* Concil. Lat. tertium. cap. 27.

2. The Third general *Council* of (c) *Lateran* under *Alexander* the Third, the Fourth general *Council* of *Lateran* under *Innocent* the Third, and the general *Council* of *Conſtance* decree that "the Goods of *Hereticks*, if they be *Lay-men*, ſhall be confiſcated.

(c) *Bona ejuſmodi Damnatorum, ſi Laici fuerint, confiſcentur.* Concil. Lat. quartum, Can. 3. ibid. *Confiſcentur eorum bona, & liberum ſit Principibus ejuſmodi homines ſubjicere ſervituti.* Lat. tertium, cap. 27. *Bona ipſorum, à tempore commiſſi criminis, ſecundum canonicas Sanctiones confiſcata.* Concil. Conſt. Seſſ. 45. *Bin.* To. 7. p. 1121.

3. They decree that "the *Temporal Lords*, being required by the *Inquiſitors*, *Archbiſhops*, *Biſhops*, &c. (d) "ſhall "within their Juriſdictions, "without delay, impriſon *Hereticks*,

(d) *Ut præfatas perſonas peſtiferas — in poteſtatem, ſeu carcerem — infra eorundem Dominorum poteſtatem, ſeu judicum diſtrictum ducant, vel duci faciant, ſine mora, ubi per viros Catholicos — ſub arcta & diligenti*

" *reticks*, and cauſe them to be " kept in cloſe cuſtody, by put- " ting them into Fetters and I- " ron Chains, till the *Church* " hath paſſed ſentence on them; and not * freeing them from priſon without the Licenſe of the *Biſhop* or *Inquiſitors*. And,

* *Vide Sext. Decretal. l. 5. tit. 2. c. 18.*

4. They decree that the (e) " Secular Powers, what " Offices ſoever they enjoy", " ſhall be admoniſhed, and, if " need be, compelled by *Eccle-* " *ſiaſtical Cenſure*, that as they " deſire to be reputed *Chriſti-* " *ans*, ſo they will take an Oath " for the defence of the *Faith*, " that they will honeſtly en- " deavour with their whole " Power to exterminate all *Hereticks*, condemned by " the *Church*, out of their Territories. Thus the fourth *Lateran Council* hath defined. The general *Council* of *Conſtance* requires (f) " All *Archbiſhops*, *Biſhops*, " and other perſons choſen for " this Work, to admoniſh and " require all *Kings*, *Emperours*, " *Dukes*, *Princes*, *Earls*, *Ba-* " *rons*, &c. and by the *Apoſtolical* " *Authority* to command them, " to expell all *Hereticks* foremen- " tioned out of their Kingdoms, " Provinces, Cities, Towns, Ca- " ſtles, Villages, Territories and " other Places, according to the

cuſtodia, nè fugiant ponendo eos etiam compedibus & manicis ferreis, teneant, donec eorum negotium per Eccleſia judicium terminetur. Concil. Conſt. Seſſ. 45. *Bin.* To. 7. p. 1121.

(e) *Moneantur autem, & inducantur, &, ſi neceſſe fuerit, per Cenſuram Eccleſiaſticam compellantur Seculares Poteſtates, quibuſcunque funguntur Officiis, ut ſicut reputari cupiunt & haberi fideles, ità pro defenſione Fidei præſtent publicè Juramentum quod de terris ſuæ juriſdictioni ſubjectis univerſos Hæreticos ab Eccleſia denotatos bona fide pro viribus exterminare ſtudebunt: ità quòd à modo quomodocunque quis fuerit in Poteſtatem ſive ſpiritualem ſive temporalem aſſumptus hoc teneatur capitulum Juramento firmare.* Concil. Lat. quartum. Can. 3. ibid.

(f) *Omnes Chriſtianæ & Catholicæ Fidei Profeſſores, Imperatorem, Reges, Duces, Principes, &c. necnon cæteros juriſdictionem temporalem exercentes juxta Juris formam & exigentiam Authoritate Apoſtolicâ exhortando moneatis & requiratis ut de Regnis, Provinciis, Civitatibus, Oppidis, Caſtris, Villis, Terris & Locis aliis, ac Dominiis ſupradictis, omnes & ſingulos Hæreticos hujuſmodi, ſecundum tenorem Lateranenſis Concilii, quod incipit ſicut ait, ——tanquam oves morbidas Gregem Domini inficientes, expellant: nec eoſdem in ſuis diſtrictibus prædicare, domicilia tenere, larem fovere, contractus inire, negociationes & mercationes quaſlibet exercere, aut humanitatis ſolatia, N. B. cum Chriſti Fidelibus habere permittant.* Conc. Conſt. Seſſ. 45. apud *Bin.* To. 7. p. 1121. A. Vide Concil. Lat. tertium, cap. 27.

" *Canon* of the *Lateran Council* which begins with the " words, *Sicut ait*, that is, according to the Twenty ſeventh *Canon* of the Third general *Council* of *Lateran*, which, under *Anathema*, forbids any one to let the *Hereticks* there mentioned tarry within their Houſes or Territories.

5. The Fourth *Council* of (g) *Lateran* adds, that " if the " *Temporal Lord*, being requi- " red and admoniſhed by the " *Church*, ſhall neglect to purge " his Territories from *Heretical* " *Filth*, he ſhall be excommu- " nicated by the *Metropolitan* " and his *Suffragans*; and if he " neglect to give ſatisfaction " within a year, this ſhall be " ſignified to the Pope, that he, " from hence forth, may pro- " nounce his Subjects diſcharged from their obedi- " ence, and expoſe his Territories to be enjoyed by " *Catholicks*, who, having exterminated the *Hereticks*, " ſhall poſſeſs it without all contradiction, and keep " it in the purity of Faith, ſo that no injury be " done to the *Principal Lord*, who doth not oppoſe " his procedure; provided notwithſtanding that the " ſame Law take place againſt them who have no " *Temporal Lords*. Now let it be obſerved that both the *Councils* of (h) *Conſtance*, and of *Baſil*, do reckon this of *Lateran* among thoſe *Councils* which all their *Popes* muſt ſwear to maintain to the leaſt tittle, and to defend even to Bloud;

(g) *Si verò Dominus temporalis requiſitus, & monitus ab Eccleſia, terram ſuam purgare neglexerit ab hac hæretica fœditate, per Metropolitanum & cæteras Comprovinciales Epiſcopos excommunicationis vinculo innodetur, &, ſi ſatisfacere contempſerit infra annum, ſignificetur hoc Summo Pontifici, ut ex tunc ipſe vaſallos ab ejus fidelitate denunciet abſolutos, & terram exponat Catholicis occupandam, qui eam, exterminatis Hæreticis, ſine ulla contradictione poſſideant, & in fidei puritate conſervent, ſalvo jure Domini principalis, dummodo ſuper hoc ipſe nullum præſtet obſtaculum, nec aliquod impedimentum opponat, eâdem nihilominus lege ſervatâ circa eos qui non habent Dominos principales.* Ibid. p. 148, 149.

(h) *Corde & ore profiteor fidem ſecundum traditionem octo Conciliorum generalium, nempe* Lateranenſis, Lugdunenſis, Viennenſis, Conſtantienſis, *generalium etiam Conciliorum, & illam fidem uſque ad unam apicem immutilatam ſervare, & uſque ad animam & ſanguinem defenſare, & prædicare.* Concil. Conſtant. Seſſ. 39. Baſil. Seſſ. 37.

Bloud; and that the *Council* of (i) *Trent* not onely hath declared it to be a general *Council*, but alſo doth affirm one of its Definitions to be the voice of the whole *Church*, and therefore theſe three general *Councils* muſt be ſuppoſed to approve all that is cited from this *Council*. The general *Council* of (k) *Conſtance* decrees that "all *Hereticks*, all "*Followers* and *Defenders* of "them, or *Partakers* with them, "though they ſhine in the Dig-"nity of *Patriarchs*, *Archbiſhops*, "*Biſhops*, *Kings*, *Queens*, *Dukes*, "or any other Eccleſiaſtical or "Mundane Title, ſhall be pro-"nounced *excommunicate* in the "preſence of the People every "*Sunday* and *Holy-day*: And "that the *Archbiſhops*, *Biſhops*, "and *Inquiſitors* ſhall diligently "enquire concerning them, "who hold, approve, defend, "dogmatize or receive ſuch "*Hereſies* or *Errors* as they be-"fore had mentioned, of what "Dignity, State, Preeminence, "Degree, Order or Condition "ſoever they are, and if they "be found guilty or infamed, "by their Authority ſhall pro-"ceed againſt them by the Pu-"niſhments of *excommunicati-"on*, *ſuſpenſion*, *interdict*, as alſo "of *deprivation* of their Dignities, Offices and Bene-"fices

(i) *Per* Laterane-nſe Concili-um *Eccleſia ſa-tuit.* Seſſ. 14. c. 5.

(k) *Omnes & ſingulos Hæreticos hujuſmodi, necnon Sectatores ipſarum Hæreſum & Errorum utriuſque ſexûs, tenentes, & etiam defendentes eoſdem, aut Hæreticis ipſis quomodolibet, publicè vel occultè, in divinis, vel alias participantes, etiamſi Patriarchali, Archiepiſcopali, Epiſcopali, Regali, Reginali, Ducali, aut aliâ quavis Eccleſiaſticâ vel mundanâ præfulgeant dignitate, —— excommunicatos ſingulis diebus dominicis & feſtivis, in præſentia populi nuncietis, & per alios nunciari faciatis, & nihilominus contra eoſdem omnes & ſingulos, utriuſque ſexûs, hujuſmodi errores tenentes, approbantes, defendentes, dogmatizantes ac Fautores & Receptores & Defenſores eorundem, —— & quemlibet ipſorum, cujuſcunque dignitatis, ſtatûs, præeminentiæ, gradûs, ordinis vel conditionis exiſtunt, auctoritate noſtrâ diligenter inquirere ſtudeatis, & eos quos per inquiſitionem hujuſmodi diffamatos, vel per confeſſionem eorum, vel per Facti evidentiam, vel alias hujuſmodi hæreſis & erroris labe reſperſos reperietis, auctoritate prædictâ, etiam per excommunicationis, ſuſpenſionis, & interdicti, necnon privationis dignitatum, perſonatuum & officiorum, aliorumque beneficiorum Eccleſiaſticorum ac feudorum, quæ à quibuſcunque Eccleſiis, Monaſteriis, ac aliis locis Eccleſiaſticis obtinent, ac etiam bonorum & dignitatum ſecularium —— & per alias pœnas, ſententias & cenſuras Eccleſiaſticas, ac vias & modos quos ad hoc expedire, ſeu opportunos eſſe videritis, etiam per captiones & incarcerationes perſonarum, & alias pœnas corporales quibus Hæretici puniuntur, ſeu puniri jubentur, aut ſolent, juxta Canonicas Sanctiones.* Concil. Conſtant. Seſſ. 45. apud *Bin.* To. 7. p. 1126.

" fices Eccleſiaſtical, and alſo of their Secular Digni-
" ties and Honours, and by any other Penalties, Sen-
" tences, Eccleſiaſtical Cenſures, ways or manners
" which they ſhall judge expedient, even by taking
" and impriſoning their perſons, and executing up-
" on them any corporal Puniſhments with which
" *Hereticks* uſe to be puniſhed, according to the Ca-
Concil. To. XII. p. 367. " nonical Sanctions. The general *Council* of *Siena* confirming this *Bull* of *Martin* the Fifth made with the approbation and concurrence of the *Council* of *Conſtance*, and ſo, upon the matter, renews all the forementioned Decrees.

§. X. And whereas our dear *Lord* declares, *he came not to deſtroy mens lives, but to ſave them*, they have ſet up under the Banner of the *Croſs* an *Hoſt* of men on purpoſe to exterminate, deſtroy and butcher thoſe whom they are pleaſed to call *Hereticks*, and, to encourage them in this *inhumane* ſervice, do promiſe them the greateſt privileges. The (1) *Council* of *Bourges*, approved by the general *Council* of *Baſil*, declares, that " War may juſtly be waged a-
" gainſt condemned *Hereticks*,
" and that *Princes* and *Chriſtian People* may be ani-
" mated to fight againſt them.

(1) *Si* Bohemi *non venerint ad Concilium ſic ſolenniter mandati, tunc Principes & Chriſti Fideles poterunt ad pugnam animari:* (& paulò poſt) *juſtè induci poſſit bellum contra Hæreticos damnatos.* Append. ad Concil. Baſil. apud *Bin.* To. 8. p. 209.

The Fourth general *Council* of (m) *Lateran* decrees, that " they who under the badge of
" the Croſs will ſet themſelves
" to exterminate *Hereticks*, ſhall
" enjoy that Indulgence and
" that holy Privilege which is granted to them who go

(m) *Catholici verò, qui Crucis aſſumpto charactere, ad Hæreticorum exterminium ſe accinxerint, illâ gaudeant indulgentiâ, illoque ſanctо privilegio ſint muniti, quod accedentibus in terræ ſanctæ ſubſidium conceditur.* Concil. Lat. quartum, To. XI. p. 149.

" go in defence of the *Holy-land*, and that is *full remiſſion of all their ſins* which they confeſs, and for which they have been contrite, and a greater degree of everlaſting Happineſs than others may expect. *Can.* 3.

The Third general *Council* of (n) *Lateran* decrees, " they " ſhall be taken under the de- " fence of the *Church*, and ſhall " be ſecure from any manner " of moleſtation in their Goods " and Perſons, and ſhall have " two years releaſe of the Pe- " nance enjoyned them, and re- " ceive greater Indulgence at " the diſcretion of the *Biſhops*. Cap. 27. The general *Council* of *Siena* decrees, that " all who proſecute and pro- " cure the extirpation of the *Wickleſiſts* and *Huſſites*, " ſhall enjoy all the Rights, Privileges and Indulgen- " ces concerning the Pardon of their Sins, which " have been granted to them that riſe up againſt *He-* " *reticks*. And to " all that " will proſecute thoſe *Hereticks*, " apprehend or bring them to " the *Inquiſitors*, or, if they " cannot apprehend, will ex- " pell them from their Territo- " ries, and, if they be requi- " red fight againſt them; they " promiſe all the Privileges " granted to thoſe who went to the aſſiſtance of the " Holy-land. So alſo doth the *Canon Law*. *Eugenius* the Fourth, in his Bull of *Revocation* of the ge-

(n) *Eos qui ardore Fidei ad (Hæreticos præfatos) expugnandum, laborem iuſtum aſſumpſerint, ſicut eos qui ſepulchrum dominicum viſitant ſub Eccleſiæ defenſione recipimus, & ab univerſis inquietationibus tam in rebus quàm in perſonis, ſtatuimus manere ſecuros; & rurſus fidelibus Chriſtianis qui contra eos arma ſuſceperint biennium de pœnitentia injuncta relaxamus, aut ſi longiorem ibi moram habuerint, Epiſcoporum diſcretioni, quibus hujus rei cura fuerit injuncta, committimus, ut ad eorum arbitrium ſecundum modum laboris, major eis Indulgentia tribuatur.* Concil. Lat. 3. cap. 27. apud *Bin.* To. 7. p. 662.

Statuit hæc ſancta Synodus, quod quicunque capientes Hæreticos, & in poteſtatem Ordinariorum vel Inquiſitorum Hæreticæ pravitatis effectualiter ponentes, vel eos, quos detinere, ſeu capere non poſſent, de eorum territoriis omnes expellentes, aut bannientes, ſeu etiam requiſiti, brachium ſeculare contra eos præſtantes, eam Indulgentiam conſequantur quæ dari conſuevit perſonaliter proficiſcentibus in ſubſidium Terræ Sanctæ. Concil. To. 12. p. 368,369.

Decretal. l. 5. Tit. 7. cap. 13.

neral *Council* of *Baſil* objects this to them, "That a-"gainſt the Decrees of the Holy *Fathers*, and the "*Edicts* of *Emperors*, which deny the admitting *He-*"*reticks* to audience, and in prejudice to the Autho-"rity *Apoſtolick*, and the Authority of the *H. Coun-*"*cils*, they had invited the *Bohemians* to diſpute at "*Baſil*, about certain Articles condemned by the *De-*"*crees* of *Popes* and *Councils*, it being, ſaith he, noto-rious to the whole World, that the *Bohemian Here-ticks* were maturely and ſolemnly condemned in the *Council* of *Conſtance* and in the *Council* of *Siena*, were by divers Proceſſes of the *Apoſtles See* and his *Legates* aggravated once and again, and that War was proclaimed and the Secular Arm invoked againſt them. (*o*) "He "ſhall obtain of *God* the King-"dom of Heaven who dies for "the defence of *Chriſtians*, ſaith a *Lemma* of the *Ca-non Law*: the words of the *Chapter* are ſaid to be directed by *Leo* the Fourth to the *French* Army; and they ſpeak thus, *viz.* "laying "aſide all fear and terrour, act "boldly againſt the Enemies of "H. Faith, and the Adverſaries "of all Religion; for the Om-"nipotent knows, that if any "of you dies he dies for the true "Faith, the Preſervation of his Countrie, and the De-"fence of Chriſtians; and therefore he ſhall obtain of "*God* a Heavenly Reward.

Invocatione etiam auxilii brachii ſecularis, & publici belli indictione multiplici. Bin. To. 8. p. 267.

(*o*) *Cœleſte Regnum à Deo conſequitur qui pro Chriſtianorum defenſione moritur.*

Omni timore & terrore depoſito, contra Inimicos Sanctæ Fidei, & Adverſarios omnium Religionum agere viriliter ſtudete; novit enim Omnipotens ſi quilibet veſtrûm morietur, quod pro veritate Fidei, —ac defenſione Chriſtianorum mortuus eſt, & ideo ab eo præmium cœleſte conſequetur. Decret. Part. 2. Cauſ. 23. qu. 8. cap. 9.

Concil. To. XI. p. 619, 621.

§. XI. The laſt Puniſhment which theſe poor Creatures muſt undergo is Death. They ſhall not be ſuffered

ſuffered to live, ſay the Conſtitutions of *Frederick* the Second. "The *Natareni* and all other *Hereticks* "ſhall be duly puniſhed by the *Secular Judge*, they "ſhall take them away by a *damnable* Death, ſay the ſame Conſtitutions, *p.* 619. "For their Extirpa- "tion, we decree, ſaith *Ludovicus* the Seventh *King* "of *France*, that, being condemned, they ſhall be pu- "niſhed with the Animadverſion due unto them. So alſo doth the *Canon Law. Decretal. l.* 5. *tit.* 7. *cap.* 13. By the Statute of our *King Henry* the Fourth, againſt the *Lollards*, "after the Sentence pronounced againſt "theſe *Hereticks*; the *Maior*, the *Sheriff*, or their "*Officers*, who muſt be preſent at the Execution, muſt take them into their Cuſtody, and burn them before the People in ſome *eminent* place. *Concil. Tom.* 11. *part.* 2. *p.* 2101. *A. D.* 1408.

Concil. To. XI. p. 423.

The Conſtitutions of *Frederick* the Second decree, that "the ſame Puniſhment ſhall be inflicted "upon thoſe who cheriſh and defend them.

Pag. 619.

"And upon all who having once abjured their "*Hereſie* relapſe into it. *Ibid. p.* 620.

If after Death they ſhall be found to have been *Hereticks*, "their Bodies muſt be digged up, and "their Bones burnt. *Concil. Albienſe, Can*, 25. *p.* 727.

"And the temporal *Lords*, by the *Dioceſan*, and "the *Inquiſitors*, muſt be compelled by *Eccleſiaſtical* "*Cenſures* to dig up their Bodies. *Concil. Alb. Can.* 27. *p.* 728.

Moreover, "The *Sons* and *Nephews* of *Hereticks* "or of their *Receivers*, *Defenders* or *Favorers*, muſt "be admitted to no publick *Offices* or *Benefices Ec-* "*cleſiaſtical* or *Secular*, nor to ſucceed to the Inheri- "tance of their *Fathers*. *Conſt.* Fred. 2. Innocent. 4. *cap.* 29. *p.* 608. Nich. 3. *Conſt.* 2. §. 21. Theſe are the

To. XI. p. 622. Bull. *Ro. To. I. p.* 182.

the Laws eſtabliſhed which lay an Obligation upon thoſe of this Communion to puniſh *Hereticks*.

§. XII. And that what they have thus eſtabliſhed may be inviolably obſerved, they decree, 1. That "all the *Governors* forementioned muſt proceed ac- "cording to their Conſtitutions againſt all *Hereſies* "extolling themſelves againſt the *Church* of *Rome*. Clem. 4. *Conſtit.* 8. §. 2. *ubi ſupra.*

Pag. 608. 2. That "theſe Puniſhments of *Hereticks* muſt by "no means be relaxed. *Conſt.* Innoc. 4. *Cap.* 32. Clem. 4. *Conſt.* 13. *Leg.* 34. Bull. *To.* 1. *p.* 175. and as they muſt not be relaxed, ſo neither muſt they be delayed. For,

3. "When any perſon is condemned for *Hereſie*, "the *Magiſtrate*, within five days, muſt execute the *Pag.* 607. "Sentence which hath paſt upon him. *Innoc.* 4. *Conſt. cap.* 24. he muſt preſently receive them into his Cu- Bull. *Rom. p.* 174. ſtody for that end. *Clem.* 4. *Conſt.* 13. *Leg.* 23. "He *To. XI. p.* 423. "ſhall puniſh them without delay. *Conſt.* Ludovici, *Regis* Francorum. And,

4. That no perſon may have any temptation or excuſe, either for the relaxing or delaying of them, they are required to execute them without enquiry made into the Juſtice of them; For by the *Conſtitutions* of *Innocent* the Eighth, "All *Magiſtrates*, un- "der the Penalty of *Excommunication*, muſt execute "the Penalties by the *Inquiſitors* impoſed on *Here-* "*ticks*, without reviſing the Juſtice of them; Be- "cauſe *Hereſie* is a Crime meerly Eccleſiaſtical. *Conſt.* 10. Bull. *Rom. To.* 1. *p.* 453.

§. XIII. Moreover, That no *Governor* may plead Ignorance as to any of theſe *Laws*, by the *Conſtituti-* *To. XI. p.* 609. *ons* of *Innocent* the Fourth, "Every *Governor* muſt have

" have a Copy of these *Laws* inserted into the *Sta-*
" *tute Book* of the *City* where he doth preside. *Const.*
38. *Clement* the 4th commands " all *Rulers* through-
" out *Italy*, to write down in their *Chapter-acts*, or
" in their *Books of Statutes*, the *Constitutions* set forth Bull. *Rom. To. I.*
" against *Hereticks* by *Innocent* the Fourth, and *A-* p. 166.
lexander the Fourth, *Const.* 8. §. 1. And,

2. " If any blot out, diminish or alter any of these
" *Constitutions* without the consent of the *Apostolick*
" *See*, he must be proceeded against as a publick
" *Defender* or *Favorer* of *Hereticks*, Innocent. 4. *Pag.* 609.
Const. 34. Clem. 4. *Const.* 13. *Leg.* 37. *p.* 175. And that
no person may plead an *Obligation* by virtue of any
other *Constitutions*, to neglect the *prosecution* of these
Laws.

3. " All *Statutes* contrary to these, throughout
" all *Italy*, must be abolished and rased out of all pla-
" ces and Cities within their Jurisdiction, *Innocent* 4. *Pag.* 609.
Const. 37. Clem. 4. *Constit.* 13. *Leg.* 39. By the *Con-* Bull. *Rom. To. I.*
stitution of *Urban* the Fourth, " the *Statutes* of any *p.* 175.
" *City*, *Castle*, *Village*, or other place, whereby the bu- Sexti *Decretal.*
" siness of the *Inquisition* of *Heretical pravity* is direct- *l.* 5. *tit.* 2. *cap.* 9.
" ly or indirectly hindred or retarded, are made void,
" and the *Rectors* and *Governors* of those places are,
" by *Ecclesiastical Censure* to be compelled to revoke
" them.

§. XIV. Again, That knowing of these *Constitutions*
they may not dare to be remiss as to the Execution of
them; at their Admission they must swear to the Ob-
servance of them, " he who will not doe so, must
" not be owned as a *Governor* in any place of *Italy*,
" nor must any of his Acts be valid, nor any per-
" son be obliged to perform the *Oaths* made to him, *To. XI. p.* 604.

Innoc. 4. *Conſt.* 1. Clem. 4. *Conſt.* 13. *Leg.* 1. Nor is
Bull. *Rom.* To. I. p. 173. p. 622. he, by the *Laws* of *Frederick* the Second, to be admitted as a *Governor* in any place of the *Empire*. And theſe two *Conſtitutions* are made a part of the *Canon Law*, as you may ſee, *Sexti Decretal. l.* 5. *tit.* 2. *cap.* 11.

If, having thus ſworn, " he ſhall neglect to obſerve all, and ſeveral of theſe *Conſtitutions*, he muſt " be deveſted of his Office and Government, and be " henceforth uncapable of any Dignity, Office and
To. XI. p. 604. " Honour, and muſt be proſecuted as a perſon *infamous*, *perjur'd*, *ſuſpected concerning the Faith*, and
Bull. *Rom.* To. I. p. 173. " a *Favorer* of *Heretick*s. *Conſt.* Innoc. 4. *Conſt.* 1. Clem. 4. *Conſt.* 13. *Leg.* 2. " If he do not proceed ac" cording to theſe *Rules* againſt all *Hereſies* extol" ling themſelves againſt the *Church* of *Rome*, he " muſt be puniſhed with an *Excommunication* and an " *Interdict* upon his *Juriſdiction*, to be inflicted by
p. 166. " the *Inquiſitors* on all *Refuſers*. *Conſtit.* 8. §. 2. *Conſtit.* 13. §. 2. p. 172.

" If any *Biſhop* be negligent or remiſs in purging " of his Dioceſs from *Heretical pravity*, he, by the (a) *Canon* of the Fourth general *Council* of *Lateran*, " muſt " be depoſed from his *Epiſcopal* " *Office*; and the ſame Puniſhment is threatned by the general *Council* of (b) *Conſtance* to all *Archbiſhops*, *Biſhops*, or *Inquiſitors* who are thus negligent and remiſs, and alſo by the *Canon Law*, *Decretal. l.* 5. *tit.* 7. *cap.* 13.

(a) *Si quis Epiſcopus, ſuper expurgando de ſua Dioceſi Hæreticæ pravitatis fermento, negligens fuerit vel remiſſus, cum id certis indiciis apparuerit, ab Epiſcopali Officio deponatur, & in locum ipſius alter ſubſtituatur idoneus, qui velit & poſſit Hæreticam confundere pravitatem.* Concil. Lat. Can. 3. Concil. To. XI. p. 152.

(b) *Nos enim contra omnes Archiepiſcopos, Epiſcopos, &c. qui ſuper extirpando Hæreticæ pravitatis fermento, negligentes inventi, &c uſque ad privationem ſeu depoſitionem Pontificalis Dignitatis procedere intendimus & procedemus.* Seſſ. 45. apud *Bin.* To. 7. p. 1122.

To. XI. p. 428. " If any *Bailiff* be negligent in this Work, he " muſt loſe his Goods and be uncapable of the *Office*.

fice. Concil. Toloſ. Can. 7. *Concil. Albienſe, Can.* 7. *p.* 723.

"If any perſon whatſoever will not execute the "Sentence of the *Inquiſitors*, he muſt be compelled "to it by *Eccleſiaſtical Cenſures*; and if then he a- "mend not, both his *Dioceſan* and the *Inquiſitors* *Concil. To. XI.* "muſt proceed againſt him as a *Defender* and *Favo-* *p.* 698. "*rer* of *Hereticks*. So the *Council* of *Valence*, *A. D.* *p.* 726. 1248. *Can.* 9. *Concil. Albienſe. Can.* 22. *A. D.* 1254. 727.

§. XV. And that no man may dare to give theſe *Hereticks* Credit, or ſhew them the leaſt Favor, they have decreed, 1. That all who are *Believers* of *Hereticks*, or give Credit to their Errors, ſhall be condemned and puniſhed as *Hereticks*. Innoc. 4. *Conſt.* 27. Now "ſuch a one is he, ſaith the *Provincial Council* of *Narbon*, "who ſhews them any Reverence, who be- "lieves that they, continuing in their Sect, may be "ſaved, or may be good and holy Men, or Friends of "God, or of good Life and Converſation, or that "they who proſecute them do offend. *Can.* 29. "They "are to be reputed *Favorers* of *Hereticks*, ſaith the *Provincial Council* of *Narbon*, "who hinder the Cor- *P.* 492. *Can.* 14. "rection or Extirpation of *Hereticks*, and thoſe that "believe them, or do not doe that which without "manifeſt fault they cannot omit towards it; they "greatly favor them who conceal them when they "may and ought to reveal them; they more, who by "concealing of them maliciouſly endeavor to hinder "their Examination, Incarceration or Puniſhment; "they moſt of all, who releaſe them without the con- "ſent of the *Church*, when they are taken or impri- "ſoned, or by whoſe Counſel, Aid or Command, "ſuch things are done: Nor are they free from this *Ibid. Can.* 16.

Vide Bullam Nichol. 3. *Conſt.* 2. §. 3. Bull. *Rom. To. I. p.* 182. *&* Clem. 4. *Conſt.* 13. *l.* 27. *p.* 175. *To. XI. p.* 495, 496.

" Crime; who, having opportunity of place and " time, and power to apprehend *Hereticks*, or help " others ſo to doe, wickedly let it ſlip, eſpecially, " when they are required to aſſiſt by others that are " willing to apprehend them.

2. " If any *Believer*, *Receiver*, *Defender* or *Favorer* of " *Hereticks*, being excommunicated, do not ſatisfie (the " *Church*) within a year, he " from hence forward ſhall be " infamous, and ſhall not be " admitted to give Teſtimony, " or to publick Offices, or to " Councils, or to the Election " of thoſe that belong to them: " he ſhall have no power of " making any Will, or ſucceeding to any Inheritance: " No man ſhall be obliged to " anſwer him in any Cauſe, but " he ſhall be compelled to anſwer others; if he be a *Judge*, his Sentence ſhall " be void and null, nor ſhall any Cauſes come before " him; if an *Advocate*, he ſhall not be admitted to " plead; If a *Clerk* or *Notary*, the Inſtruments drawn " by him ſhall be of no moment. So the *Conſt.* Freder. 2. the *Conſtitutions* of *Clement* the Fourth, *Conſt.* 27. And laſtly, All this is confirmed by the Fourth general *Council* of *Lateran* in expreſs words, *Cap.* 3. *de Hæreticis*, and by the *Canon Law*, *Decretal. l.* 5. *tit.* 7. *cap.* 13.

Credentes verò præterea, Receptores, Defenſores & Fautores Hæreticorum, Excommunicationi decernimus ſubjacere: firmiter ſtatuentes, ut poſtquam quis talium fuerit Excommunicatione notatus, ſi ſatisfacere contempſerit infra annum, extunc ipſo jure ſit factus infamis, nec ad publica Officia, ſeu Conſilia, nec ad eligendos aliquos ad hujuſmodi, nec ad Teſtimonium admittatur: Sit etiam inteſtabilis, ut nec teſtandi liberam habeat facultatem, nec ad hæreditatis ſucceſſionem accedat: Nullus præterea ipſi ſuper quocunque negotio, ſed ipſe aliis reſpondere cogatur, quod ſi forte Judex exſtiterit, ejus ſententia nullam obtineat firmitatem, nec cauſæ aliquæ ad ejus audientiam perferantur; ſi fuerit Advocatus, ejus patrocinium nullatenus admittatur; ſi Tabellio, ejus inſtrumenta confecta per ipſum nullius penitus ſint momenti, ſed cum Autore damnato damnentur. Concil. Lat. quartum, Can. 3. Concil. To. XI. p. 149, 150.

Concil. To. XI. p. 622, 623. Bull. *Rom. To. I. p.* 182, 175. *To. XI. p.* 150. 149.

§. XVI. Moreover, for the Security and the Encouragement

courageement of ſuch as ſhall accuſe them; Whereas, according to the Laws of *heathen Rome*, no man could be condemned, till he had his Accuſers brought before his Face, they have decreed that " the Names of " the *Accuſers* of *Hereticks* ſhall not be made publick " either by Word or Sign, becauſe this is the pleaſure " of the *Apoſtolick See*. So *Concil. Narbon. A.D.* 1235. *Can.* 22. *Concil. Bitter. An. Do.* 1246. *cap.* 10. And whereas, in other Caſes, by the *Laws* of all *Nations*, notorious Criminals, infamous and perjur'd Perſons, were not to be admitted to give Teſtimony againſt others, eſpecially in matters of Life and Death: All Criminals, and infamous Perſons, though Partakers with them in their Crimes, may be admitted to accuſe and teſtifie againſt the *Hereticks*. *Concil. Narbon. An. Dom.* 1235. *Can.* 24. *Concil. Bitter. An. D.* 1246. *cap.* 12.

Act. 25. 16.

Concil. To. XI. p. 494. p. 689, 690.

Ibid. p. 494. p. 690.

§. XVII. Now ſutably to theſe *Decrees* and *Principles* the *Pope* hath frequently proceeded, depriving *Civil Governors* of their Dominions, as being *Favorers* of *Hereticks*, or as neglecting to extirpate *Hereticks* out of their Territories. For (a) *Raimund*, Count of *Toloſe*, was excommunicated by *Innocent* the Third, " becauſe " he was a *Favorer* of *Hereticks*, " and his Dominions, by the *Pope*, were given to a- " ny perſon who would ſeiſe upon them. In the year 1210. the *Citizens* of *Toloſe* were by the *Council* of (b) *Avignion* excommunicated, " becauſe they " neglected to perform what " they had promiſed concerning " the

(a) Raimundus, *Comes Toloſanus, Albigenſium Fautor, jam ſæpius excommunicatus, cùm & ditionem ſuam cuivis occupanti à Pontifice conceſſam cerneret, &c.* Concil. To. XI. pag. 35.

(b) *In quo Concilio excommunicati fuerunt, & expoſiti, Cives Toloſani, pro eo quòd ea quæ Legato, & Cruce ſignatis, promiſerant, de expulſione Hæreticorum, adimplere contempſerant.* Ibid. pag. 53.

" the Expulſion of *Hereticks*. In a *Council* held at *Vaur*, *A. D.* 1213. (c) " *Arnaldus* the *Pope's* Legate, by the " Apoſtolick Authority, doth " admoniſh and command the " King of *Arragon* to abſtain " from the Protection, Defence " or Communion of *Hereticks*, threatning that " otherwiſe he would pronounce a- " gainſt him the ſame *Cenſures* and *Eccleſiaſtical Pu-* " *niſhments* which are denounced againſt them. Yea the *Pope* himſelf informs him, that if he proceeded to be a (d) *Favorer* of *Hereticks*, " he could not ſpare him, nor " delay his *Puniſhment*; and " that he might by the Exam- " ple of others, who of late had " oppoſed themſelves to *God* " and the *Church*, perceive what great danger han- " ged over his head. The occaſion of all this was as followeth; *Peter*, King of *Arragon*, ſolicits for *Raimund*, Count of *Toloſe*, that he might be received into the *Church*, and for the (e) *Counts* of *Cominges* and *Fux*, " That they might be re- " ſtored to their own again. To this the *Council* anſwer, " That Count *Cominges* had " made a League with *Hereticks* " and their *Favorers*, and that the *Count* of *Fux* was " a *Receiver* of them, and therefore his *Majeſty* ought " not to intercede for them till they have ſatisfied the " *Church*. Whereupon the *King* ſides with them, endeavoring to obtain by Force, what by Petition he could

(c) Arnaldus *Apoſtol. Sedis Legatus, datis literis, Auctoritate Apoſtolicâ, Regem admonuit, quin etiam imperavit, ut à protectione, defenſione, communioneque Hæreticorum abſtineret, alioquin eaſdem cenſuras & pœnas Eccleſiaſticas in eum pronunciaret.* Bin. To. 7. p. 792.

(d) *Nec nos tibi contra Fidei Chriſtianæ negotium poſſemus parcere vel deferre, quantum enim tibi immineret periculum, ſi Deo & Eccleſiæ, præſertim in cauſa Fidei, te opponeres--- moderna poſſunt te exempla monere.* Concil. To. XI. p. 95.

(e) *Ut Comes Convenarum reſtituatur ad terram ſuam, ut Comes Fuxenſis reſtituatur ad ſua.* Concil. To. XI. p. 82. *Pro certo intelleximus, quòd Comes Convenarum Fœdus cum Hæreticis & eorum Fautoribus contraxiſſet, conſtátque de Comite Fuxenſi, quòd Hæreticorum extitit à longo tempore Receptator,* p. 83.

could not obtain. In the year 1214. a *Council* met at (f) "*Montpellier*, of five "*Archbiſhops*, and 28 *Biſhops*, "who chuſe the *Count* of "*Montfort*, *Prince* and *Monarch* "of the Dominions of the "*Count* of *Toloſe*, the foremen-tioned *Favorer* of the *Albigenſes*, "deſiring the *Pope's* Legate "to confirm their choice. He, having no Inſtructions touching this matter, acquaints the *Pope* with their Requeſt, who doth immediately commit to him the Cuſtody and allow him the Benefit of thoſe Dominions, referring the matter of the *Title* to the Deciſion of the Fourth general *Council* of *Lateran*, then called, and the next year aſſembled, which reſolves the Caſe thus; "That the *Pope* ſhall abſolve the Subjects of "ſuch *Favorers* of *Hereticks* from their Allegiance, "and expoſe their Territories to be enjoyed by *Ca-"tholicks*, who, having deſtroyed the *Hereticks*, ſhall "poſſeſs it without any Contradiction, ſo that no "Injury be done to the Principal *Lord*; who in this Caſe was the *French King*. In a *Council* held in the Province of (g) *Narbon*, *An. Dom.* 1227. "*Raimund* the Son "of *Raimund*, *Count* of *Toloſe*, "the *Count* of *Fux*, the *Here-"ticks* of *Toloſe*, and the *Recei-"vers*, *Believers*, *Favorers*, *De-"fenders* of them are denoun-"ced excommunicate by Bell, "Book and Candle, and are expoſed, as to their goods "and perſons, to every one that can ſeiſe on them.

(f) *In hoc tandem omnium & ſingulorum vota & conſilia convenerunt, ut nobilem Comitem Montisfortis eligerent in totius terræ illius Principem & Monarcham. —— poſtquam ergò Archiepiſcopi & Epiſcopi elegerunt præ nobilem Comitem, inſtantiſſimè requiſierunt à Legato, ut ipſe ſtatim traderet totam terram eidem Comiti. —Dominus Papa— commendabat Comiti Montisfortis cuſtodiendam, donec in Concilio generali, quòd in Kalendis Novembris illius anni, Romæ convocaverat, de terris prædictis plenius ordinaret.* Concil. To. XI. p. 104.

Concil. To. XI. p. 148, 149.

(g) *Statuimus & præcipimus obſervari diſtrictè, ut* Raimundus, *filius* Raimundi, *quondam Comitis Toloſani, Comes Fuxenſis, &c. Toloſani Hæretici, Credentes, Fautores, Defenſores & Receptatores eorundem, Candelis accenſis, pulſatis Campanis, denuncientur excommunicati, & expoſiti cuilibet occupanti, tam in rebus quàm in perſonis per ſingulas Parochias, ſingulis diebus Dominicis & Feſtivis.* Concil. Narbon. Can. 17. Concil. To. XI. p. 308.

A. D.

A. D. 1281. (h) *Martin* the Fourth doth paſs the Sentence of Excommunication, actually incurr'd, againſt "*Michael Paleologus*, as being a *Favorer* "of thoſe Schiſmaticks, the "*Greeks*, and therefore a *Maintainer* "of *Hereticks*, and of "their *Hereſies* and *Schiſms*— "and he moreover doth command all *Kings*, *Princes*, "*Dukes*, &c. and all other Perſons, of what Dignity, Condition or Eſtate ſoever, under "the Penalty of the ſame Excommunication, to make no "Leagues or Confederacies "with him; pronouncing all "ſuch Confederacies null and "void; though they have been confirmed with an "*Oath*, or any other firmneſs whatſoever.

(h) Michaelem Palæologum, *qui Græcorum Imperator nominatur, tanquam eorundem Græcorum, antiquorum Schiſmaticorum, & in antiquo Schiſmate conſtitutorum, & per hoc Hæreticorum, necnon & Hæreſis ipſorum ac Schiſmatis antiqui Fautorem, de fratrum noſtrorum Concilio denunciamus Excommunicationis Sententiam latam à Canone incurriſſe, ac ipſius fore Sententiæ vinculo innodatum. Cæterum univerſis & ſingulis Regibus, Principibus, Ducibus*, &c. *& cæteris omnibus cujuſcunque ſint præeminentiæ, conditionis aut ſtatûs, ---diſtrictius inhibemus, nè cum eodem* Michaele Palæologo, *in hujuſmodi Excommunicatione manente, ſocietatem vel confœderationem aliquam contrahere ſub quovis ingenio vel machinatione præſumant; --omnes & ſingulares perſonas contrarium facientes—Sententiam Excommunicationis, quam nunc in ipſos ferimus, volumus incurrere ipſo facto—& nihilominus ſocietates confœderationum ipſas, etiamſi pœnarum & juramenti adjectione, vel quacunque fuerint aliâ firmitate vallatæ, decernimus irritas & inanes. Mart.* Conſt. Unic. *Bull.* Rom. To. I. p. 182, 183. §. 1, 2, 3.

Extrav. Com. l. 5. tit. 10. cap. 3.

A. D. 1307. *Clement* the Fifth, by the Advice of his Brethren, doth paſs the very ſame Sentence upon *Andronicus Paleologus*, the Emperor of the *Greeks*, for the ſame Crime.

Spond. *Annal. To. I. p. 418. §. 2.*

A. D. 1326. *Caſtrutius*, Governor of *Luca*, is condemned by the *Pope's* Legate, as a *Perſecutor* of the *Church*, and a *Favorer* of *Hereticks* and *Schiſmaticks*, and is deprived of all his Dignities, and expoſed to every one that would fall upon him.

16. *p.* 791. §. 1.

A. D. 1425. *Martin* the Fifth pronounceth a moſt heavy and ſevere Sentence againſt the Perſon and Kingdoms of *Alphonſus*, King of *Arragon*, as being a *Favorer* of *Schiſm*.

A. D.

A. D. 1512. *Julius* the Second, having notice that the *King* of *Navar* favored the *Enemies* of the *Church*, he recurr'd to that laſt Remedy which is wont to be uſed againſt Rebellious *Princes*, execrating the *King* and *Queen* of *Navar*, depriving them of their Dominions, and exciting all *Princes* to ſeiſe upon the common Prey. * *Henry* the Third of *France* ſpared the Bloud of *Proteſtants*, and refuſed to declare his *Succeſſor* uncapable of the Succeſſion, though he was a *Proteſtant*; wherefore *Sixtus* the Fifth, *A. D.* 1585 excommunicates him as *a manifeſt Favorer of Hereticks*, and grants Nine years of true Indulgence to any of his Subjects who would bear Arms againſt him, and doth abſolve them all from their Allegiance to him. Upon this, his Subjects rebell againſt him, and *Frier Clement* murthers him.

Apud Spond. To. 2. p. 297. §. 23.

* *Tanquam Sectariorum Fautorem & Defenſorem publicum & manifeſtum.* Vide *Thuan.* l 82. p. 45. Bull. *Sixti* 5. edit. A. D. 1585.

A. D. 1592. *Clement* the Eighth declares, that *Henry* the Fourth of *France* was unworthy of the Kingdom, as being a *Deſtroyer* of the *Orthodox Faith* and a *Favorer* of *Hereticks*, and therefore he commands the Election of another.

Spond. *ibid.* p. 875. §. 4.

A. D. 1570. (i) *Pius* the Fifth "declares Q. *Elizabeth* a "*Heretick* and a *Favorer* of *He*-"*reticks*, and for that Cauſe de-"prived of all Dominion, Dig-"nity and Privilege whatſo-"ever, and her Subjects abſol-"ved from their Oaths, and "from all Duty, Allegiance and "Obedience, by that Oath due unto her.

(i) *Declaramus prædictam* Elizabetham *Hæreticam, Hæreticorúmque Fautricem, prætenſo Regni prædicti jure, nec non omni & quocunque Dominio, Dignitate, Privilegioque privatam, & etiam Proceres, Subditos & Populos dicti Regni qui illi quomodocunque juraverunt, à Juramento hujuſmodi, ac omni prorſus Dominii, Fidelitatis, & Obſequii debito, perpetuo abſolutos.* Bull. *Pii* Quint. *Bullar.* To. 2. p. 303.

§. XVIII. Let it be then conſidered, that though *Councils* join with *Popes* in the making of *Canons*,

yet by the *Conſtitutions* of that *Church* the *Pope* alone is he to whom belongs the Execution, and the Authentical expounding of thoſe *Canons*, as they muſt be reduced to practice: And that the *Pope* is authorized by their (k) *Councils*, both to interpret and to execute their *Canons* during the Interval of their *Seſſions*. And then, this being well conſidered, you will find reaſon to conclude, that their whole *Church* is very much concerned in what the *Popes* do practiſe by virtue of thoſe *Canons*, or in purſuance of them. And unleſs that Practice of the *Popes* in Execution of the *Canons*, which is allowed by *Councils* themſelves, during the Intervals of their ſitting, may be reputed the Practice of their *Church*, I cannot imagine how they can impute any thing to their *Church* which is not done in *Councils*: And if that onely which is done in *Councils* muſt be reputed as done by the *Church*, the *Church* muſt wholly be unactive in the Intervals, and unable to exerciſe any Authority by virtue of ſuch *Canons* as have no *Authentical Expoſitor*, and no man *authorized* to execute them.

(k) *Nos enim unum Eccleſiæ corpus ſumus, & ipſe hujus corporis caput ſub Capite* Chriſto, *quicquid igitur ſit ab hoc corpore Eccleſiaſtico, ab ipſo magis quàm ab alio corporis membro procedere cenſetur, itaque non ſecus Synodalia Decreta pro ſuo debito & honore exequi debet, ac per alios ſervari facere, quàm ſi ab ore proprio dictata & promulgata eſſent.* Reſp. Synod. Baſil. apud *Binium*, To. 8. p. 141. A. C. D.

Quoties aliqua de univerſali Synodo aliquibus dubitatio naſcitur, ad recipiendam de eo quod non intelligunt rationem, ii qui ſalutem animæ ſuæ deſiderant, ad Apoſtolicam Sedem pro recipienda ratione conveniant. Decret. part. 1. diſt. 17. cap. 4. *Si quid eos de judicio univerſalis Synodi quod* Conſtantinopoli *per primam nuper elapſam indictionem actum eſt, fortè moveat ad Sedem Apoſtolicam Electis aliquibus de ſuis qui dare & accipere rationem poſſent dirigere debuerant.* Decret. part. 2. cauſ. 23. qu. 5. cap. 43.

Si in his recipiendis aliqua difficultas oriatur, aut aliqua inciderit quæ declarationem, quod non credit, aut definitionem poſtulant, conſidit Sancta Synodus B.R. Pontificem curaturum, &c. Synod. Trident. Seſſ. 25. p. 648.

§. XIX. Moreover though any *Prince*, who hath embraced the *Romiſh* Faith, ſhould promiſe not to proſecute his *Proteſtant* Subjects according to the tenor

nor of theſe ſevere and ſanguinary Laws, yet cannot his moſt ſolemn Promiſes give to them any juſt Security of Freedom and Exemption from theſe Puniſhments. This will ſufficiently appear, if we conſider,

1. *That the ſame impulſe of Conſcience that makes a man a R. Catholick, will alſo make him act like one, when he hath opportunity to doe it*; it therefore muſt engage him to believe that the *Decrees* of (*l*) general *Councils* concerning the Puniſhment of *Hereticks* muſt in themſelves be juſt and equitable, and fit to be obſerved by him, and that the practice of the whole *Roman Church*, purſuant to them, for the ſpace of three whole Centuries, muſt be a cogent Demonſtration of the Reception and Approbation of thoſe Laws throughout all *Catholick Kingdoms*, that he who doth not puniſh *Hereticks*, according as theſe Laws require, muſt be guilty of the Crimes with which theſe Laws do charge him, and well deſerves the Puniſhments they have decreed againſt him; and that whoſoever doth exterminate and puniſh *Hereticks*, as they encourage him to doe, ſhall certainly obtain the Bleſſings which they promiſe to him for that Act. How can a *Po-*

(l) *Nec quiſquam illud dicere præſumat quòd aliquod generale Concilium legitimè congregatum errare poſſit, quia ſi hic perniciosus Error admitteretur tota Fides Catholica vacillaret, nec aliquid certi in Eccleſia haberemus, quia qua ratione errare poteſt unum, poſſint errare & reliqua Concilia.* Baſil. apud. *Bin.* To. 8. p. 128. *Blaſphemia eſſet, ſi quis negaret Spiritum Sanctum dictare Sententias, Canones & Decreta Conciliorum.* Ibid. p. 131. *Hæreticum illum fateri deberis qui putat Concilium generale in his quæ ad Fidem ſeu bonos mores N. B. pertinent poſſe errare*, p. 135. *Eſt certa regula, indeficiens menſura, Cunctos fideles rectiſſimè regulans, quæ credenda aut agenda ſunt ſaluberrimè demonſtrans*, p. 206. *De Hæreſi ſuſpectum rogari vult Concilium Conſtantienſe utrum credat quòd illud quod Sacrum Concilium univerſalem Eccleſiam repræſentans approbat in favorem Fidei & ſalutem Animarum ſit ab univerſis* Chriſti *fidelibus approbandum & tenendum, & quod condemnat eſſe Fidei & bonis moribus contrarium hoc ab iiſdem eſſe tenendum pro condemnato.* Seſſ. 45. *Bin.* Concil. To. 7. p. 1124. *Cætera item omnia ab Oecumenicis Conciliis, ac præcipue à ſacroſancta Tridentina Synodo tradita, definita & declarata, indubitanter recipio, atque profiteor; ſimulque contraria omnia, atque Hæreſes quaſcunque ab Eccleſiâ damnatas & rejectas & anathematizatas, ego pariter damno, rejicio & anathematizo.* Pii *quarti forma Juramenti profeſſionis fidei ab Eccleſiaſticis R. Eccleſiæ ſuſcepti.*

piſh

piſh Prince abſtain from thus reflecting with himſelf? Either the *R. Councils provincial* and *general*, and the great *Monarch* of the *Church* doe well in animating and exciting all *R. Catholicks* to fight againſt all *Hereticks*, expell them out of their Dominions, and execute theſe Laws upon them; and in propoſing the Rewards forementioned, as Bleſſings certainly to be obtain'd by all who do engage under the Banner of the *Croſs* for their Deſtruction. And all the *Roman Catholicks* did well, who, in Obedience to their Commands, and Expectation of theſe Bleſſings, hazarded, and loſt their Lives, by their Endeavors to extirpate *Hereticks*, or who did *murther* and *maſſacre* ſo many *millions* of *Hereticks*. And conſequently, I alſo ſhall do well, and may expect theſe Bleſſings, by acting as they did; or elſe theſe *Popes* and *Councils*, and all thoſe *R. Catholicks* who fought, or acted, or did encourage others to act thus againſt all *Hereticks*, were truly guilty of all the *Chriſtian* Bloud which in thoſe Wars, between the *Heretick* and *Catholick*, was ſpilt, and all the barbarous *Maſſacres* and horrid *Murthers* which have been committed upon *Hereticks*. And if ſo, Why do I own that *Church*, that *Pope*, thoſe *Councils*, who have been guilty of theſe horrid Crimes, and theſe notorious *Marks* of *Antichriſt*; and which hath often *ſainted*, but never in the leaſt diſcountenanced, but kept communion and good correſpendence with the *Authors* of them.

2. This further will appear, if we conſider that the ſame *Principles* which do oblige a *Popiſh Prince* to own that Faith, oblige him alſo to execute theſe ſanguinary Laws upon the *Heretick*, whatſoever Promiſes or Obligations he hath made unto the contrary. That he is ſubject to a Power which can abſolve him

him from all Obligations of this nature which he at any time ſhall make, and which already he hath declared that it is not in his power to make them, or to obſerve them when they have been made. That they are prejudicial to that *ſuperior Tribunal* of the *Church* to which he muſt be ſubject, and made concerning *Hereſie*, of which, as being a Spiritual Concern, he muſt not judge, nor of the Puniſhments belonging to it, or of the Lawfulneſs of the Suſpenſion of thoſe Puniſhments. All this 'tis eaſie to demonſtrate. And,

1. According to plain Reaſon, *When two Princes, that have diſtinct Tribunals, make Laws or Conſtitutions thwarting one the other, the Conſtitutions of the inferior Tribunal muſt give place to thoſe of the ſuperior:* but by the *Principles* of the Communion of the *Roman Church*, the *Eccleſiaſtical Tribunal* is *ſuperior* to that of *Princes*; ſince then it is decreed by that *Tribunal*, as we have ſeen already, that all *Catholick Princes* ſhall faithfully endeavour to extirpate *Hereticks* from their Dominions, and that all *Conſtitutions* made to the contrary are *ipſo facto* void; no *Conſtitutions* made by *Princes* in favor of *Heretical Subjects* can be obſerved by them, or be of any moment in prejudice to the Determinations of the *ſuperior Tribunal* of the *Church*. Now that, according to the Principles of *R. Catholicks*, the *Eccleſiaſtical Tribunal* is *ſuperior* to that of *Princes*, is evident,

1. From expreſs Declarations of the *Church* in her moſt general and approved *Councils*. (m) *Ægidius Viterbienſis* ſaith, with the great applauſe and approbation of the Fifth *Lateran Council* under *Julius* the Second, that *no Kings, or Princes can neglect the Commands, or refuſe*

(m) *Cujus quidem nulli Reges, nulli Principes poſſunt vel Decreta contemnere, vel Juſſa negligere, vel Authoritatem detrectare.* Apud *Bin.* To. 9. pag. 11.

fuſe the Authority of their general Councils. The *Council* of (n) *Conſtance* declares, that, "being a general *Council*, "it hath Power immediately "derived from *Chriſt*, which "every perſon of what State "or Dignity ſoever he be, e-"ven his *Holineſs* himſelf, is "bound to yield obedience to, in matters which con-"cern Faith, the Extirpation of the preſent *Schiſm*, "and the Reformation of the *Church*. The general *Council* of (o) *Baſil*, in the ſecond Seſſion, renews the ſame Decree: and, Seſſion the 12th, doth challenge, "by virtue of "the Omnipotent God, imme-"diate Power over all faithfull "*Chriſtians:* and, Seſſion the 33d they declare this to be "a Doc-"trine of the *Catholick Faith*, "which he that pertinaciouſly "reſiſts is a *Heretick:* and Seſſion the 45th they add, "that it is an Article which cannot be neglected, with-"out the loſs of Salvation.

(n) *Ipſa Synodus in Spiritu Sancto legitimè congregata—— poteſtatem à* Chriſto *immediatè habet, cui quilibet, cujuſcunque ſtatûs vel dignitatis, etiamſi Papalis exiſtat, obedire tenetur in his quæ pertinent ad fidem & extirpationem dicti Schiſmatis, & reformationem generalem Eccleſiæ Dei in capite & membris.* Concil. Conſt. Seſſ. 4, 5. Baſil. Seſſ. 2.

(o) *Hæc Sancta Synodus in virtute Omnipotentis Dei, à quo ſuper omnes* Chriſti *fideles immediate poteſtatem vendicat,* &c. Concil. Baſil. Seſſ. 12. *Bin.* To. 8. p. 39. F. *Veritas de poteſtate Concilii generalis univerſalem Eccleſiam repræſentantis ſuper Papam, & quemlibet alium, eſt veritas fidei catholicæ——viritatibus duabus prædictis pertinaciter repugnans, eſt cenſendus Hæreticus.* Ibid. Seſſ. 33. p. 95. F. A. *Hic Articulus de quo diſceptamus fidem concernit, qui ſine interritu ſalutis negligi non poteſt.* Ibid. Epiſt. Synod. p. 139.

2. This will appear from expreſs Acts of Juriſdiction exerciſed by them over *Kings* and *Princes*, for to omit the frequent *Excommunications*, and Sentences of Deprivations paſs'd upon *Emperors* and *Kings* in the Fourth general *Council* of *Lateran*, *Can.* 3. in the general *Council* of *Lions*, *Concil. To. XI. p.* 645. in the *Council* of *Piſa*, *Seſſ.* 14. in the general *Council* of *Conſtance*, *Seſſ.* 12, 17, 37. of *Baſil*, *Seſſ.* 27, 34, 40, 41. all which expreſly have decreed, that *Emperors* and *Kings*, for Miſdemeanors mentioned there, *ſhall loſe*

loſe their Dignity and Honor, and be deprived of their Government; I ſay, to paſs by this, they frequently demonſtrate their ſuppoſed Power over them by laying their Commands upon them; *We enjoin Princes*, ſaith the Fourth (p) *Lateran Council, cap.* 67. and the *Council* of *Vienna*. *We command ſecular Princes*, ſaith the Fourth *Lateran Council, cap.* 68. *We peremptorily enjoin them*, ſaith *Julius* the Second, with the Approbation of the Fifth *Lateran Council*. *We command that they be compelled by the ſecular Power*, ſaith the Fourth *Lateran Council, cap. ult.* and the general *Council* of *Lions*, cap. *Super Cruciata*.

(p) *Per cenſuram Eccleſiaſticam compellantur ſeculares Poteſtates.* Concil. Lat. quartum, cap. 3. *Principibus injungimus*, cap. 67. *Præcipimus Præſumptores hujuſmodi, per Principes ſeculares compeſci*, cap. 68. *Per ſecularem compelli præcipimus poteſtatem*, cap ult. *Principibus injungimus*, Concil. Viennenſe apud *Bin.* To. 7. p. 870. *Per ſecularem compelli præcipimus poteſtatem.* Concil. Lugdun. *Bin.* To. 7. p. 858. *Eis (Principibus & Regibus) in virtute ſanctæ obedientiæ, authoritate à Deo univerſali Eccleſiæ conceſsâ, diſtrictè præcipiendo mandamus*, Concil. Baſil. *Bin.* To. 8. p. 207. *Sacro approbante Concilio—— Nos laicos—— cujuſcunque dignitatis, etiamſi Regalis extiterint, ——peremptoriè—— requirimus*, Concil. Lat. quintum, apud *Bin.* To. 9. p. 48, 49. *Cogantur omnes Principes*, Concil. Trid. Seſſ. 25. *De Reform.* cap. 20.

3. Their *Canon Law* is full of *Conſtitutions* to this effect, declaring, that, "When the "things of *God* are treated of, "the *King* muſt ſtudy to ſub- "ject his Will to the Will of "the *Prieſts*, and not prefer it "before theirs; *that* the Law of "*Chriſt* ſubjects *Kings* to the "Prieſthood of *Chriſt*, and puts "them under their Tribunals; "that *Chriſtian Emperors* ought to ſubject their Exe- "cutions to the *Prelates* of the *Church*, and not pre- "fer them to theirs, becauſe *God* would have them "to be ſubject to the *Prieſts* of the *Church*. By the ſame Law it is determined that "*Kings* muſt follow "the

Lemma. *In Eccleſiaſticis cauſis Regis voluntas Sacerdotibus eſt poſtponenda.*

Certum eſt hoc rebus veſtris eſſe ſalutare, ut cùm de cauſis Dei agitur, juxta ipſius conſtitutionem, Regiam voluntatem Sacerdotibus Chriſti *ſtudeatis ſubdere, non præferre. Eccleſiaſticam formam ſequi, non huic humanitus ſequenda jura præfigere, neque ejus Sanctionibus velle dominari, cujus clementiæ voluit Deus tua pia devotionis colla ſubmittere.* Decret. part. 1. diſt. 10. cap. 3.

" the *Church* Form, and not " preſcribe humane Laws to " her, nor ſeek to domineer o- " ver her *Conſtitutions*, but ſub- " mit their Necks to her Cle- " mency. And, that they " ought to yield obedience to " the Laws of the *Church*, and " not exalt their Power above " her.

Lemma. *Imperatores debent Pontificibus ſubeſſe, non præeſſe.*

Ad Sacerdotes Deus voluit quæ Eccleſiæ diſponenda ſunt pertinère, non ad ſeculi poteſtates, quas ſi fideles ſunt, Eccleſiæ ſuæ Sacerdotibus voluit eſſe ſubjectas. —— Imperatores Chriſtiani ſubdere debent Executiones ſuas Eccleſiaſticis Præſulibus, non præferre; obſequi ſolere Principes Chriſtianos Decretis Eccleſiæ, non ſuam præponere poteſtatem, Epiſcopis caput ſubdere Principem ſolitum, non de eorum capitibus judicare. Decret. part. 1. diſt. 96. cap. 11, 12.

2. According to the Principles of that Communion, all Princes muſt ſubmit to, and obey the Definitions of their general *Councils*, and the Determinations of the *Church* in Caſes Spiritual, becauſe ſhe is their onely Guide in Spirituals: this being therefore a Spiritual Caſe, *viz.* how far the *Civil Magiſtrate* doth ſtand obliged to puniſh *Hereticks*, the *Romiſh Prince* muſt ſtand to her Determination in that matter, and therefore is obliged to act according to the Decrees forementioned which firmly are eſtabliſh'd by the *Church*, whatſoever Promiſes or Oaths he may have made unto the contrary. Now that the Cauſe of *Hereſie*, and of the Puniſhments to be inflicted on the *Heretick*, is by them judged a *Spiritual Cauſe*, with which the *Civil Power* muſt not intermeddle, is evident from that Decree of *Boniface* the Fifth, which ſtrictly doth forbid " all *Powers*, *Lords* " *temporal*, and *Rectors*, with their *Officers*, to judge " or take cognizance of that Crime, it being *meerly* " *eccleſiaſtical*, or to free them out of Priſon without " the Licence of the *Biſhops*, or *Inquiſitors*, or to re- " fuſe to execute the Puniſhments enjoyned by them, " or any way directly or indirectly to hinder their " Proceſs or Sentence, under the pein of *Excommu-* " *nication*,

Sexti Decretal. *l.* 5. *tit.* 2. *Cap.* Inquiſitionis negotium.

" *nication*, which if they obſtinately lye under for a " year, they are to be condemned as *Hereticks*; and this Decree is taken into the Body of the *Canon Law*, and is confirmed by the general *Council* of *Conſtance*, *Seſſ.* 45. " The Crime of *Hereſie* muſt be judged one- " ly by the *Eccleſiaſtical Court*, and the *Secular* muſt " not meddle with it, ſaith *Gregory* the Fourteenth, *Conſt.* 7. §. 6.

Bullar. *Rom.* *To.* 2. p. 708.

3. No Promiſes, Oaths or Engagements can oblige to the omiſſion of that which is our Duty, by the Confeſſion of all *Chriſtians*, they cannot bind, ſaith their own *Canon Law*, to any thing which is againſt the benefit of *Holy Church*; for according to the Determination of *Innocent* the Third, received into the Body of that *Law*, " they are not to be call *Oaths*, " but *Perjuries*, which are attempted againſt the Be- " nefit of the *Church*. They cannot bind againſt the Right of a *Superior*, for the ſame *Law* declares that " in any *Oath* that is taken, the Right of the *Superi-* " *or* muſt be ſuppoſed to be excepted; they cannot bind againſt the *Law*, or the *Canonical Sanctions*, " for otherwiſe, ſaith the ſame *Law*, " it is a raſh " *Oath*, and is not valid. Since then, according to the Doctrine of the *Church*, 'tis the Duty of all *Catholick Princes* to puniſh and extirpate *Hereticks*; they cannot be obliged by any Oath or Promiſe to neglect that Duty, ſince this Neglect is againſt *Law* and the *Canonical Sanctions*, againſt the plain Determinations of the *Supreme Tribunal*, and againſt the benefit of *H. Church*, no Oath or Promiſe can oblige them to it. And,

Dan juramenta, ſed perjuria potius dicenda ſunt, quæ contra utilitatem Eccleſiaſticam attentantur. Decretal. l. 2. tit. 24. cap. 27. *quia non.*

Juramentum prædictum vos excuſare non poteſt, in quo debet intelligi jus Superioris exceptum. Ibid. cap. 19. *Debet ita intelligi, ut non obviet juri, alias tanquam temerarium non obligat.* Cap. 21. *ad noſtrum.*

4. They who do claim a Power to abſolve *Catholick Princes* from their Contracts, Leagues and Engagements made to *Heretical Princes*, muſt have an